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Limitations of the Reconfiguration and Applicability of Citizenship Rights in the Mixed Model of Hegemony and Democracy Underway in Contemporary Africa

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Abstract- This study, which has as its problematic the analysis of the dynamic developments of citizenship rights on the African continent, from the fall of authoritarian state institutions to the context of democratic openings, aims to show the limitations that exist within the scope of the reconfiguration and applicability of citizenship rights in contemporary Africa due to the adoption of ambiguous political models that are simultaneously hegemonic and democratic. This study is a qualitative, theoretical approach, developed through exploratory bibliographic research. The results indicate that the democracy achieved in Africa reveals a democratic and an authoritarian nature, as a result of the presence of non-democratic elements that have accompanied the different political systems tested on the continent, in which the degree of applicability of rights of Citizenship depends on the ruling elite and the perceived level of threat to their maintenance in power. From these results, we conclude that, even so, in this context, it is relatively early to declare the failure or success of both democracy and citizenship rights.

Keywords: *africa; democracy; citizenship rights; hegemony.*

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Limitations of the Reconfiguration and Applicability of Citizenship Rights in the Mixed Model of Hegemony and Democracy Underway in Contemporary Africa

Limitações da Reconfiguração e da Aplicabilidade dos Direitos de Cidadania no Modelo Misto de Hegemonia e Democracia em Curso na África Contemporânea

Jesus A. Tomé

Resumo- Este estudo, que tem como problemática a análise dos desenvolvimentos dinâmicos dos direitos de cidadania no continente africano, desde a queda das instituições estatais autoritárias até ao contexto das aberturas democráticas, visa mostrar as limitações existentes no âmbito da reconfiguração e da aplicabilidade dos direitos de cidadania na África contemporânea devido à adopção de modelos políticos ambíguos que são, simultaneamente, hegemónicos e democráticos. Este estudo é uma abordagem qualitativa, de cunho teórico, desenvolvido através de pesquisa bibliográfica exploratória. Os resultados indicam que a democracia a que se chega em África revela um cariz democrático e um outro autoritário, em resultado da presença de elementos não-democráticos que têm acompanhado os diversos sistemas políticos ensaiados no continente, em que o grau de aplicabilidade dos direitos de cidadania depende da elite governante e do nível de ameaça percebido à sua manutenção no poder. A partir desses resultados, concluímos que, ainda assim, nesse contexto, é relativamente cedo para decretar o falhanço ou o sucesso tanto da democracia como dos direitos de cidadania. Para todos os efeitos, trata-se de um processo em definição cujos contornos ainda não estão inteiramente fixados, não sendo naturalmente de excluir a possibilidade de, tal como no passado, se virem a ensaiar outras opções, porventura menos democráticas e, como consequência disso, menos favoráveis à promoção dos valores e práticas da cidadania.

Palavras-chave: áfrica; democracia; direitos de cidadania; hegemonia.

Abstract- This study, which has as its problematic the analysis of the dynamic developments of citizenship rights on the African continent, from the fall of authoritarian state institutions to the context of democratic openings, aims to show the limitations that exist within the scope of the reconfiguration and applicability of citizenship rights in contemporary Africa due to the adoption of ambiguous political models that are simultaneously hegemonic and democratic. This study is a qualitative, theoretical approach, developed through exploratory bibliographic research. The results indicate that the democracy achieved in Africa reveals a democratic and an authoritarian nature, as a result of the presence of non-democratic elements that have accompanied the different political systems tested on the continent, in which the degree of applicability of rights of Citizenship depends on the ruling elite and the perceived level of threat to their maintenance in power. From these results, we conclude that, even so, in this context, it is relatively early to declare the failure or success of both democracy and citizenship rights. For all intents and purposes, this is a process under definition whose contours are not yet entirely fixed, and it is naturally not possible to exclude the possibility that, as in the past, other options will be tested, perhaps less democratic and, as a consequence of this, less favorable to promoting the values and practices of citizenship.

Keywords: africa; democracy; citizenship rights; hegemony.

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I. Introdução

A problemática central deste estudo consiste na análise dos desenvolvimentos dinâmicos que ocorreram dentro e fora dos espaços públicos e contribuíram para a relativa afirmação do pluralismo político que é, em parte, reflexo da queda das instituições estatais autoritárias, dos esforços titânicos desenvolvidos nas aberturas democráticas dos últimos anos e das melhorias sem precedentes dos direitos de cidadania no continente africano. Mas, perante os acontecimentos políticos ocorridos durante a fervilhante década de 1990, a experiência cívica africana baseia-se largamente no papel e na força dos seus cidadãos contra os sucessivos regimes despóticos e repressivos que aí surgiram, com governos que violavam simultaneamente os direitos individuais e colectivos.

Apesar da tradição africana, antes da era colonial, não incluir ou apoiar a luta por direitos como é correntemente definida no mundo contemporâneo, o sistema político e social da África pré-colonial reconhecia o papel da participação popular na tomada de decisão e na governação, sendo as amplas consultas populares o procedimento correcto adoptado para a tomada de grandes decisões e a base de sistemas políticos consensuais. Não obstante a maioria das culturas pré-coloniais em África carecerem de um Estado bem organizado, elas certamente não tinham falta de participação cívica, no sentido mais abrangente, de um conjunto de instituições para proteger os direitos e as liberdades colectivos (Bratton, 1994).

Com essa proposta de problemática, será possível detectar traços de ruptura e de continuidade no âmbito dos acontecimentos políticos ocorridos durante a fervilhante década de 1990 e provar como se criou a ideia errónea de que os direitos de cidadania em África se constituem como sinónimo de dinâmicas anti-Estado (Makumbe, 1998).

Esse prisma de construção analítica foi determinante para que escolhêssemos para o nosso estudo o seguinte título: "Limitações da reconfiguração e da aplicabilidade dos direitos de cidadania no modelo misto de hegemonia e democracia em curso na África contemporânea".

O presente estudo, embora delimitado, visa mostrar as limitações existentes no âmbito da reconfiguração e da aplicabilidade dos direitos de cidadania na África contemporânea devido à adopção de modelos políticos ambíguos que são, simultaneamente, hegemónicos e democráticos. Desta forma, a tentativa de perceber o tema é mobilizada por um interesse, que é o de contribuir para o seu conhecimento que regista muitas lacunas e ausência de investigação de âmbito académico. Esta abordagem também realça e justifica a pertinência e a actualidade do tema.

O texto está estruturado em duas partes essenciais, a saber: a primeira é dedicada aos aspectos formais, tais como o resumo, a introdução, os antecedentes do tema e a metodologia. A segunda ocupa-se, sobretudo, com a fundamentação temática ou doutrinal, ancorada numa abordagem lógico-crítica, marcada pela discussão dos resultados.

a) *Dilemas do conceito de direitos de cidadania dos povos africanos no contexto do Estado colonial*

Como é do conhecimento geral, o poder colonial foi marcado pela dominação e repressão com o objectivo último de extracção de recursos. Para o efeito, o Estado colonial manteve uma linha de acção que procurava dividir os territórios ocupados em esferas de influência distintas e manter as diversas sociedades subjugadas ao domínio da política metropolitana já que só deste modo seria possível fragmentar e reconstituir as sociedades pré-existentes e reconstruir as fronteiras físicas de ordem política. Segundo Howell e Pearce (2002), missionários e antropólogos foram utilizados para forjar e classificar categorias étnicas e unificar línguas, permitindo não só a remodelação da estrutura e conhecimento da sociedade africana, mas também o aumento do controlo hegemónico pelos governantes coloniais, cuja acção era frequentemente justificada através de um discurso paternalista de missão civilizacional e superioridade racial.

Na mesma esteira, Makumbe (1998) refere que durante a época da colonização, na sua maioria, as organizações e grupos cívicos existentes em África foram destruídos pelos governos coloniais, uma vez que eram encarados com grande suspeita pelos colonizadores que receavam que estes grupos tomassem um papel instrumental na mobilização e rebelião dos povos colonizados contra os colonizadores. Em consequência, afirma Mandani (1996), estabeleceu-se entre a sociedade africana e europeia um relacionamento classificado como "muito incivil" (p. 62), que procurava institucionalizar as diferenças e a desigualdade de direitos entre os colonialistas civilizados governados pelo constitucionalismo e as tribos nativas governadas pelo "direito costumeiro" (p. 109).

Em resposta à forte restrição à formação de grupos cívicos que poderiam participar no processo político dos países africanos foram criadas organizações de cariz aparentemente apolítico, como as associações culturais, desportivas e religiosas e outros tipos de organizações enraizadas na comunidade que, com o tempo, passaram a ser plataformas determinantes para a expressão dos direitos políticos dos povos colonizados. Na óptica de Lewis (2002), esta abordagem inovadora é considerada o embrião dos movimentos sociais, cívicos e de libertação nacional em África, que mais tarde conduziram à resistência nacionalista, expressa através da contestação da legitimidade do colonialismo ocidental que promovia a negação dos direitos de cidadania aos nativos e que, para Gyimah-Boadi (2001), trouxe, a partir dos anos de 1960, a independência aos seus países. Todos estes movimentos, argumentam Makumbe (1998) e Pestana (2004), estão na origem de muitos dos partidos políticos africanos da actualidade.

Não obstante ser um facto incompreensível para África, Mbokolo (2006) e Keane (2009) salientam, cada um a seu modo, que o fim da colonização, que culminou com o advento de estados independentes, revestiu-se de imensa importância, porque significou, sobretudo em termos políticos, a passagem do estatuto de "indígena" ao estatuto de "cidadão". Neste sentido, Lopes (2008) pensa que a passagem dos povos africanos de um estatuto político ao outro, era de concepção meramente ideológica, sendo que podia significar ou a construção do ideário de um grupo em ascensão ou a sua transformação em senso comum ou, ainda, a sua imposição pela nova classe dirigente a todos os cidadãos.

É evidente que o Estado colonial era um Estado autoritário, mas essa colonização havia, na sua fase terminal, assumido outras características. Em primeiro lugar, a colonização tornou-se muito mais técnica ou científica. Em segundo lugar, por causa do contexto da Guerra Fria, a colonização foi obrigada a ceder às exigências africanas em matéria de direitos. Como consequência, num certo número de países africanos, as práticas do Estado-providência da Europa Ocidental vão ter algum impacto no continente africano, levando certas categorias sociais a beneficiar de direitos. São

estas duas características que, face à deriva autoritária dos Estados pós-coloniais, fizeram com que um certo número de africanos pensasse a pós- colonização como incompreensível ou como uma regressão em relação à colonização (Mbokolo, 2006).

Na verdade, a passagem de um estatuto ao outro não resultou em vantagens cívicas para os povos africanos devido à clara deriva e manipulação das ideologias nacionalista e panafricanista, para fins autoritários e de exclusão. No entanto, ao contrário do que defende uma certa reflexão antropológica ocidental (e mesmo africana), nacionalismo e pan-africanismo não são sinónimos nem de comportamento autoritário nem de tendência para a desordem, o conflito ou formas de gestão do poder fragmentárias e sem mando. Os partidos africanos tinham sido fundados no contexto da luta pela independência, pelo que representavam, desde o princípio, os interesses e as aspirações da totalidade da nação (Lopes, 2008).

b) Dilemas do conceito de direitos de cidadania dos povos africanos no contexto do Estado pós-colonial

Por conseguinte, com o fim do colonialismo, esses partidos apresentaram inúmeras dificuldades para pôr termo à separação entre "cidadãos" e "indígenas" e entre governantes e governados (Keane, 2009).

Mas também se admite que os dilemas da democracia e da cidadania já estavam presentes antes das independências. Todavia, tal não inibe que se faça uma acusação contundente à censura que essas ideologias provocaram aos direitos e às liberdades, bem como ao papel de Estados intolerantes, que não permitiram nenhum espaço ao pensamento autónomo (Mkandavire, 2005). Assim, esses poderes autoritários não cabem na definição de boa governança (Mkandavire, 2004). A esse respeito, refira-se que durante o processo de preparação dos estudos prospectivos do Banco Mundial sobre África, em 1989, foram convocados vários académicos africanos. No prefácio da obra final são reconhecidos como tendo sido os responsáveis por uma viragem no pensamento apresentado no estudo em relação a questões de governança. No grupo havia nomes como Claude Ake, Makhtar Diouf e Ali Mazrui (Lopes, 2008).

Nesta perspectiva, alguns pensadores africanos convergiam sobre o facto de que, para a África superar o desafio do desenvolvimento, era preciso estabelecer relações Estado-sociedade que tivessem as seguintes características: i) desenvolvimentistas, no sentido de uma boa gestão da economia; ii) democráticas, respeitadoras dos direitos dos cidadãos e de participação nos processos nacionais; iii) e, socialmente inclusivas.

No entanto, se se pode dizer que, por um lado, a conquista da cidadania foi algo de muito marcante pelo que significou no contexto da pós-colonização do continente africano, também se pode dizer que, nesse mesmo contexto — escreve Mbokolo (2006) —, ela «foi uma conquista muito parcial, uma conquista insuficiente, reduzida» (p. 3). Neste aspecto concreto, o nosso autor qualifica a cidadania dos anos 1960, altura em que é dada por finda a colonização e tem lugar a maioria das independências africanas, como sendo uma cidadania de cariz eminentemente jurídico-formal, «uma vez que, na realidade, a igualdade dos cidadãos estava consignada essencialmente nos textos jurídicos» (p. 4). Não obstante, nalguns países de África houve também o reconhecimento, por parte do Estado, dos direitos de cidadania política como tal confinada apenas ao direito a expressar através do voto a vontade individual.

Todavia, esse reconhecimento dos direitos políticos, tal como os outros elementos do sistema de cidadania (direitos civis e direitos sociais), mantinha-se muito desestruturado funcional e operacionalmente e excluindo a maioria dos cidadãos, uma vez que o princípio constitucional da garantia e protecção dos direitos e das liberdades civis era restringido pela prática quotidiana do sistema de poder. No entanto, essa prática contrária à Constituição, seguida por uma significativa parte dos Estados africanos independentes, viu-se, nos anos de 1970-1980, confrontada com o eclodir de movimentos sociais, por um lado, e de rebeliões políticas armadas contra o sistema instalado no poder, por outro.

Os movimentos sociais e os outros componentes do espaço cívico caracterizavam-se por insurreições tanto espontâneas como organizadas em estruturas militantes ou clandestinas, cuja actividade cívica nas metrópoles coloniais já tinham realizado de forma muito enérgica (Mbokolo, 2006). Segundo este autor, a partir dos anos 1960, os movimentos sociais, com particular realce para os dos estudantes, assumem-se realmente como um movimento africano que se desenvolve em várias capitais de África: Dakar, Nairobi, Dar-es-Salam, Kinshasa, Bangui, entre outras. Para citar um exemplo, o autor lembra que a queda do imperador Bokassa, na República Centro-Africana, em 1979, se deveu directamente a uma greve dos estudantes dos níveis primário e secundário.

Nesse período de intensas convulsões sociais e políticas, a cidadania formal (jurídico-política) foi rapidamente esvaziada de conteúdo por força quer das duras respostas dadas pelos Estados ao desenvolvimento e às dinâmicas dos movimentos sociais quer dos golpes de Estado constitucionais e militares que resultaram na instauração de longevos regimes totalitários. São exemplo disso mesmo os de Léopold Sédar Senghor, no Senegal, ou de Félix Houphouet-Boigny, na Costa do Marfim, que fizeram golpes de Estado «legais» para estabelecerem regimes de ditadura em que os direitos e as liberdades ficaram totalmente restringidos (Mbokolo, 2006).

A laicidade do Estado, inspirada pelas duras guerras religiosas entre protestantes e católicos que dizimaram a Europa no corpo e na alma, como foi o caso da Guerra dos 30 anos (1618-1648), permitiu ao Ocidente uma modernidade emancipatória, necessária para consolidar o capitalismo e a democracia (Amin, 2004). Ao contrário do que aconteceu no Ocidente, no contexto africano o renascimento do século XX ficou-se pela deriva e manipulação das ideologias nacionalista e panafricanista, para fins autoritários e de exclusão, não fazendo qualquer ruptura com conceitos tradicionais de restrição de direitos de cidadania e de liberdades civis. Pode dizer-se que em toda a África se luta por problemas similares. Segundo Hountondji (2004), ao olhar as personalidades eminentes do passado, tem de se reconhecer deficiências no seu discurso modernista, pelo que "É preciso hoje apropriar-se dessa contribuição de maneira lúcida, crítica e responsável" (p. 104).

Desta forma, segundo Mbokolo (2006), o carácter providencial do Estado colonial verificado no período que antecedeu as independências africanas levou a que "para um certo número de africanos o recuo da cidadania fosse sentido como um recuo em relação à colonização" (p. 5). Ou seja, pelo olhar desses africanos o contexto pós-colonial constituía, deste modo, uma regressão em comparação com o contexto colonial. Paradoxalmente, segundo o mesmo Mbokolo, "Essa é uma das razões por que vamos assistir ao recurso à violência e mesmo à violência armada por parte desses cidadãos" (p. 5).

De todo o modo, o contexto africano contemporâneo de reconquista da cidadania tem que ver não só com os fenómenos mundiais, como o fim da Guerra Fria ou a queda do Muro de Berlim, como ainda com as dinâmicas internas que contribuem para produzir o combate social, a cidadania, o espaço público em geral e a transformação global da sociedade. A verdade é que, inicialmente, foram os fenómenos mundiais como a propagação de ideais liberais relativos à democracia multipartidária, quem mudou estruturalmente o panorama da cidadania em África. Só depois é que as dinâmicas internas, como pressão para a alternância política e reformas institucionais, se constituíram em factores causais de reconquista da cidadania.

II. Metodologia

Este estudo, ancorado na filosofia política e social com recurso ao exercício da interdisciplinaridade, é uma abordagem qualitativa, de cunho teórico, que incide, sobremaneira, na pesquisa bibliográfica. A par da literatura académica tradicional, a nossa investigação também incide na análise de fontes de informação complementares, assentes sobretudo na realização de uma pesquisa electrónica de alguns documentos em diversos suportes. O método que seguimos para o nosso estudo foi genético, aliado à sua familiar analogia com os métodos de análise hermenêutica e fenomenológica. Segundo Goldschmidt (1963), a interpretação genética, ao contrário da interpretação dogmática, procura, explica e questiona as causas das teorias além daquilo que as mesmas nos querem dizer.

III. Resultados

a) Limitações da reconfiguração e da aplicabilidade dos direitos de cidadania no modelo misto de hegemonia e democracia em curso na África contemporânea

A instauração da democracia multipartidária, a partir do final dos anos de 1980, modificou consideravelmente a paisagem política no continente. Inicialmente, essa transformação foi provocada por um conjunto de factores internos e externos. No campo externo assistiu-se, entre outras coisas, ao seguinte: fim da guerra fria, mudança das relações económicas e comerciais do continente, isolamento internacional crescente, ajustamento estrutural, pressão para reformas institucionais. Já no campo interno observaram-se, entre outros, estes eventos: exasperação pela falta de alternância política, urbanização e aumento demográfico, juventude mais radical e desesperada, lutas pelos direitos da mulher, desigualdade crescente, aparecimento de movimentos de defesa dos direitos de cidadania.

Entretanto, os cidadãos africanos preocupavam-se com a restrição de direitos e de liberdades civis na maior parte do continente, a intolerância e a bajulação provocadas pelo sistema de poder. Os cidadãos, sobretudo os mais jovens, passaram a ter horror ao culto da personalidade e ao cerimonial do poder em geral (Lopes, 2008). Mas nada lhes causava mais desespero do que a exclusão de cidadania. Contando-se eles mesmos entre as vítimas dessa prática política, podiam observá-la como a hipocrisia mais evidente do suposto carácter nacionalista e panafricanista de uma parte dos dirigentes africanos.

Em África, o número de países que procediam à exclusão civil, política e social com base na origem, raça, etnia, religião ou filiação política foi aumentando, sendo isso apenas a superfície de um problema sociopolítico mais vasto, que afecta a maioria dos países do continente. Nessa altura, a África reconhece cada vez mais que o mundo tem uma só atmosfera, uma só economia, e também um direito internacional mais amplo, uma comunicação mais fluida. Isso também presume a necessidade de uma cidadania global. Uma cidadania que reconheça mais democracia e direitos, baseada no princípio de que o desenvolvimento é para trazer mais oportunidades, ou

seja, mais liberdade de escolha para as pessoas. Este é o principal desafio dos Estados e das sociedades africanos (Lopes, 2008).

Todavia, a adopção, por parte dos Estados e da sociedade civil africanos, de modelos políticos e económicos externos deve ter em linha de conta uma determinação da visão de estratégias tendentes a definir os espaços de convergência e acautelar as tensões políticas para preservar os direitos e deveres decorrentes da cidadania (Torres, 1999a; 1999b). O argumento acima aduzido radica no problema dos pontos fracos de África em termos políticos, sociais e económicos que coexistem com democracias débeis, como resultado da desorganização estrutural dos Estados desse continente.

Reverter este quadro nebuloso implica a tomada de decisões político-institucionais corajosas tendentes à revisão dos modelos de democracia e de governo importados mecanicamente do Ocidente, sob pena de, caso não se aja em conformidade, a classe dirigente africana encontrar sérias dificuldades para enfrentar o dilema do aumento da pobreza e do descontentamento social das populações por um lado, e a criação de uma elite patrimonialista de ricos, por outro. Para Adelino Torres, é escusado que a África invente uma nova democracia, bastando adequar os modelos existentes e de sucesso à realidade local. A democracia pressupõe direitos e liberdades que por sua vez está assegurada pela carta magna dos direitos humanos, contudo é limitada por consequência e força da constituição de cada país (Torres, 1999a).

O que a África precisa é de construir o Estado-nação. Não o Estado-nação de modelo colonial nem o Estado-nação culturalmente relativista resultante de falsas e oportunistas convergências étnicas, linguísticas, culturais, mas o Estado-nação universalista e progressista sem depender de qualquer tipo de tutela e que tenha como objectivo prioritário o desenvolvimento sustentável da indústria e da tecnologia, os direitos, deveres e obrigações políticas africanas no sentido global. Neste sentido, o universalismo fundamenta-se na extensão dos direitos humanos conferindo assim a cada indivíduo a possibilidade de usufruir de direitos de cidadania e liberdades civis ou individuais.

Se, por qualquer razão, ao homem for restringido um dos direitos, todos os demais serão nulos. O universalismo segue a filosofia de protecção do homem como membro de uma única espécie humana — como aliás se pode observar no debate de 1785 a 1793 entre Kant e Forster sobre os direitos dos indivíduos no âmbito da unidade e da heterogeneidade da espécie humana (Soromenho-Marques, 1996) —, abstraindo-se da sua condição social e étnica; a sua primeira essência são os direitos do homem.

Assim sendo, o problema das limitações da reconfiguração e da aplicabilidade da ideia de cidadania nos modelos democráticos em contextos africanos pressupõe a adopção do universalismo assente na existência de um "novo tipo de guerra ideológica" (Huntington, 1996) aberta a outros princípios, e não fechada "sobre os seus próprios princípios" (Sampaio, 2001), cuja causa abarque o conflito positivo de civilizações em que os africanos seriam conduzidos a recuperar e a professar os valores de uma civilização africana.

Mas o culminar da cidadania africana não deve estar obcecado pela reactivação da guerra ideológica, do choque de culturas ou choque das civilizações de Huntington. O cidadão africano nunca se moldou para pertencer à civilização ocidental, mas, devido à escravatura e ao colonialismo que lhe foram impostos pelo Ocidente, adoptou uma cultura de tolerância e de aprendizagem de outras culturas. Talvez falte ao Ocidente sair do seu etnocentrismo / eurocentrismo e pugnar pela universalidade, pois, com o processo de globalização, todos partilham tudo, mas cada povo ou agrupamento etnolinguísticos luta para preservar a sua identidade cultural (Neto, 2014).

Nesta medida, olhar a cidadania pela perspectiva do modelo de democracia em voga na África contemporânea significa que o conceito tem ocupado uma posição central no discurso contemporâneo sobre o desenvolvimento em África, particularmente nos estudos sobre o desenvolvimento económico e social. A cidadania e os espaços públicos africanos em geral, emergiram como a mais importante força do desenvolvimento político do continente. Ganhando em sofisticação e capacidade de construção, tornaram-se parte essencial da mudança do ambiente político interno, que passou de pura hegemonia e monopólio do Partido-Estado para um crescente pluralismo político (Makumbe, 1998).

Assim, em África, tomando a história e os seus legados como ponto de partida, pode afirmar-se que ao longo de todos estes anos, independentemente do sistema político vigente, houve sempre, e continua a haver, um envolvimento da cidadania na vida política, social e cultural, bem como no desenvolvimento democrático do continente (Gyimah-Boadi, 2001). Mesmo assim, ainda existe, nos dias de hoje, a ideia de que se está apenas perante o nascimento do pluralismo político ou da democracia em África, resultando do retorno da noção de cidadania estabelecida em todo o mundo ocidental como um referencial de conquista da humanidade, que se veio a reflectir na crescente importância da mesma e dos movimentos sociais, tanto na subversão dos regimes autoritários dos primeiros trinta anos de independência, como na instalação da democracia nos seus países (Nóbrega, 2010).

No entanto, não se afigura uma tarefa fácil debater a problemática da cidadania nos palcos africanos a partir da análise da relevância da aplicabilidade do conceito, quer como construção

analítica das novas dinâmicas adquiridas pelos processos políticos e sociais, quer como ferramenta das novas formas e modalidades de participação e acção política. Refira-se que em África, os processos políticos e sociais em curso resultam, fundamentalmente, da procura, quer por cidadãos e políticos locais, quer por doadores internacionais, da construção da boa governação, desenvolvimento, redução da pobreza e paz. Porém, a questão dos doadores e das suas regras para apoio, nomeadamente de matriz neoliberal, também levanta muitos problemas.

IV. Discussão

a) Dificuldades da reconfiguração e da aplicabilidade dos direitos de cidadania em contextos não ocidentais

Assim, a aplicabilidade da ideia de cidadania no continente africano se deve, em grande parte, à convicção de que esta apresenta dificuldades de reconfiguração para a realidade africana. Mas, a compreensão dos processos políticos em curso na África contemporânea, incluindo os recentes processos políticos de "democratização", só tem manifesta vantagem quando alinhada com a percepção das novas configurações de participação e acção política que têm essencialmente emergido fora do quadro das estruturas estatais formais e dos partidos únicos a elas associadas (Guedes, 2005).

Nesta senda, as novas configurações da cidadania em contextos não ocidentais ganham relevância com a onda de liberalização política que se estendeu sobre todo o continente africano, desde o início da década de 1990. Esta onda de liberalização — que estava relacionada com a alteração da relação de forças mundial, na sequência do colapso da URSS e do advento de uma nova globalização económica neo-liberal, como se o planeta tivesse regressado ao mundo anterior a 1913 — abriu, mais uma vez o debate sobre a relevância da aplicabilidade de conceitos e experiências da história política ocidental em condições africanas (Kasfir, 1998).

As críticas sobre a possibilidade da cidadania em contexto não ocidental têm despertado grande interesse e gerado um forte debate, tendo levado a que muitos autores pusessem em causa o significado do conceito mesmo dentro de contextos ocidentais, onde argumentam existir pouco acordo em termos da sua relevância e valor político prático, resultando que algumas ambiguidades nas discussões dos países do mundo contemporâneo em desenvolvimento cresceram por causa dos múltiplos significados do termo na própria tradição ocidental (Kaviraj & Khilnani, 2001).

Na verdade, nos anos de 1960, este mesmo argumento ajudou à instauração dos regimes hegemónicos e monopartidários por todo o continente. Os "perigos" do tribalismo, o divisionismo, a "irresponsabilidade" da oposição, e as urgentes tarefas de reconstrução nacional são, como foram no passado, alguns dos argumentos que justificam a sentença de morte da cidadania africana no *modelo de Westminster* (Nóbrega, 2010).

Os *rankings* mundiais da democracia, como o *Map of Freedom* (*Freedom House*) ou o *Democracy Table* (*Democracy Audit*) colocam os países africanos nos patamares mais baixos. O continente é, de facto, rico em maus exemplos em matéria de democracia: é o caso do Ruanda, cuja transição para a democracia em 1994 culminou em genocídio; do Zimbabwe onde Robert Mugabe não hesitou em destruir a economia para se conservar no poder; da Guiné Equatorial, em que o presidente se fez eleger com quase 100% dos votos e do Quénia, tido como relativamente estável e democrático, no qual o processo eleitoral de 2008 quase levou o país à guerra civil (Nóbrega, 2010).

Portanto, o problema da reconfiguração e da aplicabilidade da cidadania em contextos africanos, isto é, em contextos não ocidentais, tem vindo a evidenciar as diferenças entre o que se pode designar por modelo democrático observante e a pluralidade de modelos democráticos observados (Moreira, 2005).

Essa diferença tende a acentuar-se nos Estados que possuem uma herança cultural marcadamente distinta da ocidental, levando a que se questione — como faz Huntington (1996) — a capacidade de democratização das áreas extra-ocidentais. Todavia, existem exemplos de sociedades culturalmente distintas da ocidental que são consensualmente consideradas democráticas: é, designadamente, o caso da Índia, que conjuga a sua democracia com uma desigualdade profunda e clivagens étnicas profundamente enraizadas na sua antiga cultura. No caso de África, essa conjugação não se verifica em virtude da incapacidade dos Estados na compreensão dos problemas da democratização do continente. A sua análise, ao colocar toda a ênfase no modelo democrático observante, acaba por não levar em linha de conta a forte influência de todo um conjunto de elementos oriundos da cultura política africana.

Na realidade, não é possível compreender o fenómeno democrático em África sem partir do entendimento de que ele é o resultado de um processo, ainda em definição, que combina ideias, valores e instituições democráticos ocidentais com os preexistentes nas sociedades africanas (Nóbrega, 2009). Essa democracia a que se chega em África revela, por isso, um cariz democrático e um outro autoritário, em resultado da presença de elementos não-democráticos que têm acompanhado os diversos sistemas políticos ensaiados no continente. Os regimes africanos são, por isso, um misto de hegemonia e de democracia em que o grau de democraticidade

depende da elite governante e do nível de ameaça percebido à sua manutenção no poder (Dahl, 1991).

Se a ameaça for considerada séria, os níveis de intolerância serão elevados, como sucede, com frequência, no Zimbabwe e nos Estados em que as eleições conduzem a grande tensão pós-eleitoral por não consagrarem claramente um vencedor. Existem muitos elementos constituintes das democracias africanas que contribuem na sua tendência para a hegemonia, de que se destacam os seguintes:

a) Em África a imagem do poder é indissociável da riqueza e da sua ostentação, num contexto em que os privilégios económicos constituem não só a principal recompensa do poder político, como também a forma de o manter. Para a elite política africana, pressionada a ostentar e a obter recursos para distribuir pelas suas redes familiares e de apoiantes, o enriquecimento em funções públicas, pela apropriação privada de bens e de capitais públicos, é considerado normal. É algo a que tem direito pelo estatuto que alcançou: "C'est le fruit de mon travail" (É o fruto do meu trabalho), como um dia afirmou o antigo presidente da Costa do Marfim, Felix Houphouet -Boigny, acerca da sua fortuna pessoal (Ela, 1990). A luta pelo poder nas democracias africanas tende a ser particularmente intensa, permanente e dura, conduzindo nos casos extremos a um "jogo de soma zero" que não concede um estatuto digno à elite não governante, nem instituições para amortecer a sua derrota. Em África, a presença de tais instituições é diminuta porque o sector privado é fraco e é o Estado que concentra a maioria dos recursos disponíveis. Neste contexto, a luta pelo poder ganha contornos mais conflituosos pois trata-se, para todos os efeitos, de uma luta pela sobrevivência, no sentido existencial puro;

b) Para algumas lideranças africanas não tem sido fácil admitir que o mandato é uma realidade a termo em democracia. Para isso contribui a luta pelo poder, a preocupação com a perda de imunidade que a saída de funções pode acarretar e, igualmente, a imagem do poder prevalecente na sociedade, que retém dos poderes tradicionais o princípio de entronização do chefe para toda a vida. O que se procura é assim um mandato vitalício. Nesse sentido, diversos presidentes africanos, como Yoweri Museveni do Uganda ou Paul Biya dos Camarões, já fizeram remover ou alterar os ar tigos constitucionais que impediam a sua continuidade no poder além do segundo mandato. As causas da crise política africana foram imensas. Começando pela forma como os partidos conduziram a luta pela independência nacional, passando pelo tipo de regime monolítico e autoritário que se queria seguir à independência e, recentemente, na forma como a democracia representativa foi introduzida e, principalmente, no modo como o continente tem sido governado (Cá, 2005);

c) Um dos elementos que mais aproximam as democracias africanas das hegemonias é o espaço apertado de actuação que consentem à oposição política e aos actores do espaço público em geral. De facto, no que se pode designar por "democracia limitada", a negação do direito à oposição política e à liberdade civil, característica do período de regime de partido único, deu lugar à sua aceitação contrariada. A oposição é tolerada, mas não especialmente acarinhada. Os opositores — os "*trouble makers*" (perturbadores ou criadores de problemas), como lhes chamava Nyerere (1961) — são, do ponto de vista da cultura política africana, não um concorrente legítimo, mas o inimigo, a ameaça a que é preciso vigiar e, se possível, anular. Um partido que foi forçado a democratizar-se rodeado por altos índices de descontentamento, dificilmente é um paradigma de bom comportamento ético-político. Ainda mais tratando-se de partidos que se acostumaram a resolver os seus conflitos pela via da violência (Cá, 2005).

d) As sociedades africanas caracterizam-se por um forte pendor colectivista que retira dimensão ao indivíduo, resultando disso uma espécie de cidadania comunitária passiva. A importância do indivíduo só conta na medida do seu contributo para o grupo e, se este for negativo, a violência justifica-se para proteger a comunidade do mal que ele possa representar. Por essa razão, quer as sociedades, quer os Estados africanos possuem um conceito minimalista de direitos de cidadania, e de direitos humanos, que não abrange os indivíduos percepcionados como ameaças ao grupo ou à comunidade. Entretanto, a falta ainda de delineamento do espaço sócio-político dos países africanos faz com que se imprimam visões pessimistas e assustadoras sobre a sua governabilidade. Essa situação está relacionada com a crise dos Estados e a sua recente transição para a democracia representativa. Neste caso, o primeiro parâmetro a ser analisado parece ser o da estrutura do Estado. Para isso, há que apontar quatro questões: a) a aplicabilidade do conceito de democracia; b) a erosão do papel do Estado; c) o contexto internacional e o debate sobre o nacionalismo; d) a capacidade de construir um modelo de desenvolvimento alternativo (Cá, 2005). É contra esses indivíduos (ou grupos) que representam ameaças aparentes ou reais que a violência é tida como uma opção legítima na defesa dos interesses do grupo ou da comunidade.

e) A cidadania africana é muito distinta da ocidental. O problema em África não é o do Estado invasor da esfera privada, mas o do Estado ausente da maior parte do território e incumpridor das suas funções políticas, económicas e sociais. Tudo isso abre um vasto campo de trabalho às organizações da sociedade civil, mas estas representam apenas uma ínfima parte do associativismo africano. A maioria das organizações — muitas de cunho tradicional — não reúnem os requisitos para serem consideradas organizações da sociedade civil, nem visam as mesmas metas. Não são democráticas na sua essência, nem visam pugnar pela democracia e servir de contrapeso entre o Estado e os cidadãos. A sua acção, que é politicamente relevante, tem em vista o acesso aos recursos e a obtenção de algum ganho patrimonial na relação com o Estado.

V. Conclusões

Os elementos expostos nas alíneas anteriores são alguns dos que contribuem para que as democracias africanas sejam efectivamente um misto de hegemonia e de democracia. Ainda assim, neste

contexto, é relativamente cedo para decretar o falhanço ou o sucesso tanto da democracia como da cidadania. Para todos os efeitos, trata-se de um processo em definição cujos contornos ainda não estão inteiramente fixados, não sendo naturalmente de excluir a possibilidade de, tal como no passado, se virem a ensaiar outras opções, porventura menos democráticas e, como consequência disso, menos favoráveis à promoção dos valores e práticas da cidadania.

Assim, perante as condições históricas da sua descolonização e a volatilidade revolucionária, a impotência e a desorganização das suas forças sociais internas, a África, para escapar ao cinismo, à hipocrisia e à instrumentalização das potências ocidentais e orientais (China e Índia), deve encetar uma transformação radical das relações sociais e económicas, recorrendo a novas redes de solidariedade internacional e a uma grande coligação moral superior aos Estados particulares, a fim de poder imaginar outros caminhos para um possível renascimento.

Segundo Mbembe (2014), a saída de África passa por adoptar uma espécie de *New Deal* continental, negociado por todos os Estados africanos e pelas potências internacionais, destinado à promoção da democracia e do progresso económico que pudesse completar e encerrar definitivamente o capítulo da descolonização. Mais de um século após a realização da Conferência de Berlim que ditou a partilha de África, justificada para a opinião pública com a necessidade de "civilizar" este território, esse *New Deal* seria complementado por uma compensação económica, dos colonizadores aos colonizados, para a reconstrução do continente.

Para o nosso autor, é nesse nível de profundidade histórica e estratégica que, doravante, importa considerar a questão da reconfiguração e da aplicabilidade dos direitos de cidadania, da democracia e do progresso económico em África, cuja responsabilidade é essencialmente africana e passa, efectivamente, pela constituição de forças sociais cívicas e participativas capazes de a fazer renascer, mas sem que seja de "uma forma de reapropriação de si mesma [e] fictícia" (p. 30).

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Julian Amery: Navigating Britain's Shift from Imperialism to European Integration, 1950-1970

By Glenn Wasson

Abstract- By examining the early political career of the Conservative MP Julian Amery, this article considers how the British government attempted to restore its international influence. Using Amery's career as a lens, this article explores the international context which enforced his change in political leanings; shifting away from neo-colonial imperialism towards Europeanism. It will build upon existing literature, notably Sue Onslow and Lucia Bonfreschi's contribution on Amery's career, and go against a recent trend of examining the legacies of Powellite politicians. In doing so, it examines three key themes. Firstly, it investigates the role of the Mau Mau rebellions in fostering a more radical role as an advocate for sustaining British imperial controls abroad. While Amery offered no solution to the rebellion, the Kikuyu attacks laid bare the weakening of the United Kingdom's overseas influence. In turn, Amery became one of Prime Minister Eden's most prominent critics during the Suez Crisis. The Anglo-French Agreement of 1954 was viewed as another act of British appeasement towards emerging nationalist governments, which ultimately damaged the United Kingdom's international reputation.

Keywords: *neo-colonial imperialism, european integration, suez group, Europeanism.*

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Keywords: neo-colonial imperialism, european integration, suez group, Europeanism.

I. Introduction

When the Prime Minister of Great Britain and Northern Ireland Harold Macmillan delivered his 'Winds of Change' speech on 3 February 1960, he characterized a shift in Britain's political philosophy. The sun was beginning to set on Britain's imperial territories, and the British government was required to commit to a new course to maintain its influence on the world stage following public embarrassments at the Suez Canal in November 1956 and controversies of suppressing the Mau Mau attacks throughout the 1950s and early 1960s. Macmillan acknowledged during his speech to the South African parliament that 'growth of national consciousness is a political fact… As a fellow member of the Commonwealth it is our earnest desire to give South Africa our support and encouragement' (Harrison, 1983). Thus, the British government elected to pursue membership in the European Communities as part of a new course. One man who represented the shift from imperialism and Europeanism was the Conservative Member of Parliament from 1950 to 1966 and 1969 to 1992 Julian Amery. This article seeks to explain Julian Amery's shift from neo-colonial imperialist to Europeanist as significantly influenced by international factors, including the emergence of superpower hegemony, the rise of nationalism in colonial territories, the creation of the European Communities, and the Cold War technological race. In doing so, this article will explore the reasons behind Amery's shift in political perspective. It will discuss two key questions. Firstly, how did Amery express this change in support towards Europe? And furthermore, why these international factors influenced his decision to move away from imperialism? For example, Amery held a different view to many of his pro-imperialist contemporaries, such as Enoch Powell and John Biggs-Davison, who openly criticized the Conservatives' policy of self-government among African nations. Biggs-Davison and Amery were at cross purposes over the issue of self-governance in former imperial territories. For instance, during a House of Commons debate concerning Gambian independence on 18 November 1964, Biggs-Davison lamented Britain's departure from the country since 'many British soldiers of the eighteenth and early nineteenth centuries' lost their lives in the country. In contrast, Amery had already looked to broaden Britain's horizons in Europe, criticizing Gambia in the vainest terms for its 'rickety landing stage.' While Amery accepted the United Kingdom's decline as a global power, his imperialist credentials cannot be underestimated. Amery was an out-spoken critic of the 1954 Anglo-Egyptian Agreement passing control of the Suez Canal to the Nasserite government. Amery wrote to the Arabist British military officer Colonel Gerald de Gaury, stating his contrary position on the Agreement: 'Britain [must] retain sufficient fighting troops in the Canal Zone to safeguard the security of the Canal and to ensure that we have not only the right but the power to return in a crisis' (AMEJ/1/2/71).

Julian Amery's political career provides an insight into the necessary changes in British policy during rapid decolonisation. However, it has not received the same scholarly attention as many of his contemporaries. Studies have tended to focus on the

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likes of Powell or Patrick Wall, both of whom argued vehemently against Britain joining the European Communities in 1973. Research into these figures proved to be *en vogue* during the Brexit debates and before Britain departed from the European Union in December 2021. Paul Corthorn, Frank Fazio, Simon Heffer, and Camilla Schofield have contributed to this growing historiography on the subject (Corthorn, 2019; Fazio, 2020; Heffer, 2014; Schofield, 2013). The widespread nature of debates on traditional Powellite ideas owes much to their weaponization by the Eurosceptic press during the last decade (Gilbert, 2021). Additionally, Powellite ideas of framing the United Kingdom's withdrawal from the EU as a grand design plan for re-asserting British control outside of the European 'prison' can be defined clearly in former Prime Minister Theresa May's 'Global Britain' rebrand (Zhou, 2023). A brand which her successors continue to develop. Perhaps unsurprisingly, very little exists on the profile of Amery. Sue Onslow has conducted a thorough examination of Amery's role within the Suez Group and Lucia Bonfreschi has discussed his part with the British delegation under Edward Heath responsible for European negotiations (Onslow, 2006; Bonfreschi, 2012). This article seeks to go beyond these contributions insofar as it looks at the reasons behind the change in Amery's stance on imperialism. The existing contributions on Amery focus on his roles within either the Suez Group or the British delegation to the European Economic Community. However, this article seeks to provide a comprehensive view of Amery's legacy, most notably in European aeronautic development – an area which merits further academic exploration.

In attempting to understand the direction of British policy-making and what caused such changes, this article draws on the extensive political and personal papers of politicians directly involved in defense decision-making. A selection of under-explored private papers and oral history interviews at the Churchill Archives Centre will be drawn upon throughout the prose. Included within these are the letters, press articles, and political documents of the British Minister of Aviation Julian Amery, the analyses and recommendations of the Chief Scientific Advisor to the British Government Lord Plowden, the diaries, letters, and memoirs of Shadow Foreign Secretary and later British Ambassador to Paris Sir Christopher Soames and finally, the dispatches of the Liberal peer and former British Ambassador to Paris Sir Gladwyn Jebb, particularly during the Suez Crisis. With regards to the use of nuclear weapons as a means of exercising influence in European defense matters, these papers have been supplemented by the political documents of French politicians including Presidents Charles de Gaulle and French military leaders Admiral Pierre Barjot and Général d'Armée Charles Ailleret.

II. A Europeanist from the Outset?

Julian Amery first entered parliament as an MP in 1950, representing the newly established constituency of Preston North. As is custom, newly elected MPs are granted the right to a maiden speech, effectively announcing themselves to the parliamentary cohort in the House of Commons. From the outset of his parliamentary career, Amery epitomized the idea of a political figure who defied standard conventions. When Amery stood to make his maiden speech on 28 March 1950, he prefaced it by saying 'the natural diffidence which any man must feel who speaks in this House… is heightened in my case by the apprehension that some of the things I want to say today may be thought more controversial than is becoming in a maiden speech' (1950). This introduction preceded a scathing criticism of the Labour government's defense policy, which tended towards internationalism - a key feature in the Party's ethos of working for the common good of the international community (Vickers, 2013). Amery pointed the finger of blame for Communist expansion on Labour's defense policy of 'containment.' He argued that the Minister of State for Foreign Affairs Kenneth Younger had stretched the terms of the 'containment' policy since the United Kingdom had 'permitted the Sovietisation of half of Europe and the whole of China' (1950). Amery called on the Labour government 'to secure… closer, European co-operation, in the sphere of defence.' Amery's calls for greater European co-operation in defense matters occurred against the backdrop of the British government's response to the Pleven Plan. When French Prime Minister René Pleven proposed a supranational European army in conjunction with the European Coal and Steel Community (ECSC), the United Kingdom approved the plan on the provision that the multinational element of control was significantly reduced (May, 2016). Amery supported Pleven's demands for a 'sense of collective security' within a supranational framework where the Labour government did not (France, 1951). Certain members of the parliamentary cohort took exception to Amery's inflammatory maiden speech. Raymond Blackburn, the Labour Party MP for Birmingham King's Norton, stressed in his response to Amery that the Conservative member 'will not, of course, expect everyone on this side of the House to endorse' his position on Soviet encroachment, going further as to say 'it used to be a tradition… that maiden speeches were not controversial.' Blackburn accused Amery of 'arousing comment' much like his father Leo. Blackburn's opposition stemmed from the established Labour position of 'Left understands Left.' In 1946, Blackburn had advocated opening direct trade links between Moscow and London, viewing European nations as Fascist regimes for not embracing Communist ideologies (Blackburn, 1947). He lamented the British

government's shift towards European cooperation since 'Communist ideology impels [Soviet states] at the same time not to cooperate.' While the Conservative governments of the 1950s and 1960s would guide the United Kingdom towards European integration, there remained some Labour MPs contesting that membership of the European Communities would halt the advance of socialism in Britain (Lord, 2018).

The maiden speech indicates that Amery was more than the 'caricature of a Tory imperialist' that political observers would somewhat unfairly label him later in his parliamentary career (Louis, 2002). Instead, the historical truth is more intricate. Amery purported an interesting continuity between the pro-Commonwealth development attributes of his father, and the new trend of advancing European integration. The move towards an increased role for the United Kingdom in Europe began as early as 1946 with the gradual decolonization of European empires. The decline of the United Kingdom's overseas territories can be attributed to the new wave of nationalism which swept across Africa and Asia, with independence movements rising to challenge British dominance (Overy, 2001). Such movements which catalysed Amery's desire to see the United Kingdom play a grander role in Europe resulted from his lamentations over the loss of imperial property. His brand of imperialism was more 'ethical than strategic', notably as Amery, much like his father, advocated for equal rights for all citizens, albeit under the supervision of the British settler class (Faber, 2007). Early in his tenure as an MP, the United Kingdom's control of Kenya became increasingly threatened, with rebellious citizens causing a prolonged period of terrorist incidences between 1952 and 1960. Thus, Amery's maiden speech introduced him as both a pro-Europeanist and a critic of the handling of Britain's imperial decline. Amery would become an increasingly effective Europeanist, most clearly through his – and by extension, the United Kingdom's – commitment to continental defense matters. However, the shift towards Europeanism was a matter of necessity given the increasing spread of US Capitalist and Soviet Communist ideologies throughout the British empire following the beginning of the Cold War in 1947.

The spread of anti-colonial sentiment alongside the infiltration of left-wing ideologies in Kenya drew vehement criticism from Amery. For instance, in May 1952 Amery criticized the Churchill government for only prioritising 'our freedom to extend the system of Imperial Preference' in the Middle East when Jomo Kenyatta had succeeded in stirring up racial hatred against British settlers in Kenya (1952). Indeed, Amery was among several Conservative politicians who were critical of the Attlée and Churchill government's handling of the early phases of imperial retreat. Oliver Lyttleton, 1st Lord Chandos, Churchill's Colonial Secretary, grew increasingly frustrated with the lack of British involvement in averting Kenyatta's Mau Mau terrorists, particularly as those of the Kikuyu tribes, which made up the main crux of the insurgent membership, were 'a trading and intelligent, but somewhat uncongenial people' (Lyttleton, 1962). However, neither Amery nor his contemporaries could solve the terrorist insurgence, stopping short of advocating for offering Kikuyus a 'share in government' (ibid). Winston Churchill's government instead took an overly cautious approach even when it came to detaining Mau Mau prisoners, considering the United Kingdom had recently signed up to the Convention on Human Rights (1954). Additionally, any deterrent measures implemented against Mau Mau terrorists, including forced labor, resulted in a technical infringement of the Forced Labour Convention of 1930. Even discussions around a multi-racial government were rejected by those who prioritized Kenyan independence, such as Major E.P. Roberts, Chair of the Federal Independence Party (Van der Bijl, 2017). Even before the Mau Mau rebellion was crushed in 1956, it was clear that European influence was no longer accepted in Kenya as the British government firmly believed that a national administration ruled by British and Kenyan officials was a likely outcome of the crisis (Wasserman, 1976).

When considering Julian Amery's political career, it is essential to analyze the influence of such events as the Mau Mau rebellion. The weakening of British control between 1952 and 1954 served as another painful reminder of the United Kingdom's gradual transition from the member of a 'Big Three' during the Second World War to a 'second-rate nation.' Amery and his contemporaries used the calamities of the initial Mau Mau rebellion, the Labour government's mismanagement of the Abadan crisis, and the Churchill government's decision to allow parliamentary elections in the Sudan as part of a compromise between the United Kingdom and Egypt in 1953 to argue against further decolonization, something that several British administrations seemed to entertain throughout the early- to mid-1950s. The Anglo-Egyptian resolution allowed the Sudan Civil Service to begin preparations for an election while the existing Sudanese government drafted an electoral legislature (1953). Amery's reaction to the Anglo-Egyptian resolution was unequivocal. The British government's accusation that Egypt had interfered in the Sudanese elections pushed Amery to take coordinated action to argue against the further decolonization, despite it seeming inevitable (Onslow, 1997). The result was the Suez Group. This was a Conservative protest group that sought to refute further reductions of British troops in Egypt and other dominions in Africa. Amery played a vital role in the Suez Group, circulating papers and arguing in favour of maintaining British presence in the Suez Canal Zone, which became increasingly contested following Britain's withdrawal from Sudan.

The Egyptian Revolution of 1952, which saw King Farouk replaced by General Neguib (himself later deposed by the progenitor of the Suez Crisis, Colonel Gamal Abdel Nasser), represented a shift in the balance of power in the Middle East – Egyptian pan-Arabism became a force for change in the region as an opponent to the neo-colonialism that Amery, and the leader of the Suez Group, Charles Waterhouse espoused. The Suez Group found relevance in combatting the perceived trend of appeasement within Anthony Eden's Conservative government (Herzog, 1990). Martin Thomas and Robert Toye have viewed the Suez Group as a pressure group, which worked with the populist press, such as the *Daily Mail*, to establish their 'firm imperialist credentials' (Thomas and Toye, 2015). Amery wrote frequently in the *Daily* Mail, going as far as answering listeners' queries on the BBC Light Programme 'Any Questions?' (AMEJ/5/6). Rebellious tendencies marked the very nature of the Suez Group, whose members viewed Eden with visceral contempt. Eden had previously stated in a speech at the 1948 Conservative Party Conference in Llandudno, that the British empire is 'our life… We are an imperial power or we are nothing' (Tory Conference at Llandudno, n.d.). Thus, when Eden entertained bilateral discussions between the United Kingdom and Egypt over the reduction of British military personnel in the Suez Canal Zone base, the forty backbench Conservative MPs considered it a betrayal. In a diary entry from 12 March 1956, Amery himself criticized Eden for not taking 'every opportunity of being tough with the Egyptians' when their revolution was still in its infancy (Amery, 1956). Amery, Lieutenant-Colonel Neil 'Billy' McLean, MP for Inverness, and other Suez Group members turned against Eden for his plans to withdraw British troops from the Canal Zone entirely as a means of handing more control to an increasingly militant Egyptian administration. This occurred despite the Suez Canal Company being Franco-British property due to the treaty between the United Kingdom, France, and the Khedive Ismail in January 1882 (McNamara, 2015). For Amery, the Canal Company acted as a helpful medium for Franco-British cooperation, mainly when regular meetings between both controlling powers permitted governments with opposing ideologies, in this case the Radical left-wing government of Pierre Mendès-France and Eden's Conservative administration, to share ideas in a common forum (Großmann, 2016). Amery articulated his disgust at Britain losing its 'teeth' in the Middle East in a letter to Eden on 18 March 1953, 'I do not see how the Commonwealth could continue as an independent force in the world, if any other power – even the United States – were to take our place in the Middle East and on the Canal' (AMEJ/1/2/71). Amery's position represented the general consensus within the Suez Group, many of whom stressed the Anglo-Egyptian negotiations rendered imperial 'disintegration… inevitable' (Hickson, 2020).

Amery's role in the Suez Group has received a mixed reception in political discourse. Barry Turner has been overtly critical of Amery and Waterhouse's attempts to dissuade the parliamentary Conservative Party from supporting Eden's Suez Agreement – the treaty effectively transferring control of the Suez Canal to the Egyptian government. He described both men as 'political blusterers, immune to strategic and economic realities, who were convinced that higher powers were intent on destroying Britain's imperial heritage' (Turner, 2007). However, others, such as Sue Onslow, have correctly understood the paradoxical nature of Amery's stance. Amery preferred continuing Britain's military influence in the Middle East while pursuing further European integration. Amery's attitude, as well as that of the other Conservative members within the Suez Group, contrasted heavily with the general trend of British political thinking. The Suez Group demanded a continued British military presence in the Canal Zone, particularly as it played a vital role in the United Kingdom's EURAFRICA initiative. Amery supported the EURAFRICA concept as it amalgamated British colonial property within the Western European Union (WEU), which featured in multilateral negotiations between the United Kingdom and the European Community nations to create a 'Third Force' to co-exist alongside the superpowers of the United States of America and the Soviet Union on the international stage (Dietl, 2009; Mace, 2017). The WEU and its outcrop the EURAFRICA developed further as a new dynamic approach to European integration following the breakdown in multilateral discussions to create a European Defence Community in 1954 to retain continental influence during the Cold War. The general academic consensus on the EURAFRICA concept considers that this model served to allow European military integration through the processes of colonialism (Hansen & Jonsson, 2015; Avit, 2005). The EURAFRICA idea was not popular with the United Kingdom's Atlantic partners. Incorporating existing colonies into a supranational defense association was viewed as delaying the inevitable advancement of Soviet communism from within the administration of US President Dwight D. Eisenhower. Halting the advance of communism was the United States' primary concern in the Middle East during the Cold War when the United Kingdom attempted to cultivate its imperial territories to forestall decolonization. Indeed, the Suez Canal had strategic importance for the Eisenhower administration as a site from which military action against Soviet advance could be undermined (Ashton, 1993).

The US government worked to undermine the 1954 Suez Agreement, which Amery increasingly criticized. In his 1953 treatise, *What Europe Thinks of*

America, Amery pointed out the irony of the Eisenhower administration's plan for the Middle East: 'We might say that in America the colonies are inside the metropolis' concerning the division between the Northern and Southern states (Amery, 1953). Nonetheless, when Eden shared at a tri-lateral meeting between the United States, the United Kingdom, and France that Britain would withdraw its troops from the Canal Zone under the provision that they could intercede if the Canal became the focus of a conflict, the United States took the opportunity to offer military assistance to the Egyptian government. This offer was conditional 'upon Egyptian fulfilment of the Base Agreement' (Foster Dulles, FRUS, 1954). According to the US Secretary of State John Foster Dulles, US paternalism towards Middle Eastern countries was designed to countenance the rise of communism in the region and movements that the Soviet Union generally supported (Gaddis, 2005). The United Kingdom's withdrawal from the Canal Zone was agreed with Egypt and signed on 19 October 1954. The signing of the Suez Agreement represented a failure of Amery's political ambitions since he was among the twenty-six Conservative MPs to vote against the deal in July 1954, signaling a reluctant concession of the United Kingdom's declining position as a former world power. Indeed, the Suez Agreement began a twenty-month transition period wherein the Egyptian military forces assumed control of the Canal Zone (Selak, 1955).

It could be argued that Amery's move towards Europeanism was forced by the events following Nasser's nationalization of the Suez Canal. Enoch Powell predicted in a speech to the Wolverhampton Conservative and Unionist Association on 4 December 1953, when discussions around the transition period had already taken place between the United Kingdom and Egypt, that 'no one should imagine that… the rot will stop there' (POLL/3/1/11; FO/371/102796/1192/31). In essence, Powell's prediction was accurate as when Nasser successfully nationalized the Canal on 26 July 1956, the United Kingdom's diminishing position as a world power was clear for all to see. The Suez Crisis followed the Canal's nationalization, precipitating the collapse of the United Kingdom's imperial influence in the Middle East. Now the historiography on the Suez Crisis is vast and this article does not seek to augment the discourse on this topic. Instead, it aims to understand how the Crisis changed Amery's political thinking. The failure of Franco-British military intervention to bring the Suez Canal back to international control prompted a reassessment of the United Kingdom's place on the world stage. Soviet Premier Nikolai Bulganin's threat to use nuclear weapons against France, Israel and the United Kingdom demonstrated that conventional military techniques were no longer sufficient in signifying influence outside of a nation state's domestic sphere (Olivi and Giacone, 2007). Indeed, when the United Kingdom's Middle Eastern dominions, such as Jordan, began to move towards independence following the withdrawal of French and British troops from Port Saïd in December 1956, Cabinet Ministers looked at new means of maintaining influence in military affairs since the United States had successfully marginalized British involvement in matters of Middle Eastern defense (McKercher, 2017).

Amery supported the move away from requiring absolute control of the Canal and finding a new course. International factors pre-determined this new course, primarily as the growing global trend focused on rejecting imperialism. The United Nations' intervention in the Canal Zone was devised to return the canal to 'international control,' however this still guaranteed Egyptian ownership of the Suez Canal Company as per the terms of the 1954 agreement between Egypt and the United Kingdom, thereby severely limiting British influence in the Middle East and undermining its economy (Johnson, 1997). Furthermore, between sixty and seventy percent of the United Kingdom's oil came through the canal each year, which justified the Ulster Unionist MP for Belfast West Patricia McLaughlin's defence of the canal as 'one of Britain's greatest resources… [and] it must be freely available for all people' (1957). It has been estimated that the lack of shipping through the canal cost the Treasury of the United Kingdom approximately $71 million in oil-based revenue (Pierre, 2014). Thus, the restrictions placed upon the United Kingdom, from reductions in oil revenues to inadequate nuclear deterrents, necessitated a change in the course for the British government – one which Amery fully backed. For instance, he wrote in his diary on 30 December 1956 that the need for a move towards Franco-British cooperation was essential given 'the grip which the U.S. have on' the Middle East (Amery, 1956).

III. A Committed Europeanist?

The aftermath of the Suez Crisis led to a profound rethink of British policy, in which Amery was closely involved. The Suez Group gradually broke up with members, including Amery and Powell now prioritising external relations rather than ensuring control from an imperial centre or hub (Greenwood, 2000). However, the question remained as to what the foundation for external ties between nation states would be? The Suez Crisis undermined Britain's position in the Middle East to such a degree that King Hussein of Jordan terminated the Anglo-Transjordanian Treaty of Alliance (1948), guaranteeing Jordanian dependence on the United Kingdom's military and economic resources. The agreement to terminate the treaty provoked much anxiety within the House of Commons. On 18 February 1957, former Labour Minister Philip Noel-Baker, the MP for Derby South, asked the Minister of State for Foreign Affairs David Ormsby-Gore:

> As the Government have spent £70 million on subsidies to Jordan and we have, by the Suez policy, lost all military advantage and all political influence in the area, will not the Government consider a new policy? (Feb 1957).

Amery and his fellow Suez Group member Victor Montagu, Viscount Hinchingbrooke, supported Noel-Baker's calls for a new course, illustrating a softening of their vehement imperialist tendencies. Britain risked isolation on the international stage unless a new course was adopted. The secret nature of Franco-British military planning in the prelude to their intervention in the Canal Zone as part of the Sèvres Protocol guaranteed both European nations would assume a 'peace-keeping role' to 'avoid any overt military collaboration with Israel' (CAB/195/15/37). The covert planning of the Suez intervention contrasted heavily with the public humiliation when the British government agreed to a cease-fire without consulting their French partners. Kenneth Younger, the backbench Labour MP for Grimsby, was overtly critical of the Conservative government's mishandling of the Suez policy. So much so that, on 10 May 1957, he warned the government must be cautious of 'the very deep suspicions that were voiced in recent weeks by most of our European allies about our intentions with regard to defence are… a legacy from our utter failure to consult them over our Middle Eastern policies.' The cease-fire of 5 November 1956 had an isolating impact for the United Kingdom on the international stage. By February 1957, the Macmillan government would come to regret turning against France when French Prime Minister Guy Mollet raised the EURAFRICA concept with the United States. The British Foreign Secretary Selwyn Lloyd interpreted the potential Franco-American rapprochement as 'politically embarrassing' given the closeness by which the United Kingdom and France cooperated over the Suez intervention (Lloyd, 1980). Eisenhower perceived the EURAFRICA as a 'meritorious idea,' but did not support creating 'a partnership on more equal terms' outside of the Atlantic Alliance (Eisenhower, FRUS, 1957). The Soviet nuclear threat heralded a *pax atomica* which solidified the hierarchical standing of the Soviet Union and the United States above the European powers.

Amery had shared his views with parliamentary colleagues around the possibility of a British-built missile capable of carrying a nuclear warhead, so the embarrassment of the Suez Crisis would not be repeated (Middeke, 2000). During the post-Suez period, Amery shared correspondence with the University of Cambridge scientist Hermann Bondi, in which the Cambridge don stressed that the new reality concerning the supremacy of nuclear weapons 'cannot change' given their use as a threat in the new age of high technologies (GBR/0014/GWLY/1/3). Amery's change of perspective represented a shift in how the United Kingdom perceived power as a means of exerting influence. Thus, the loci of defence policymaking veered away from traditional ideologies focusing on colonialism, and towards the establishment of a credible nuclear deterrent (Urwin, 2016). The reorientation of British foreign policy towards nuclearization followed similar decisions across Europe. Indeed, France had already began to concentrate its efforts on nuclear weapons development after withdrawing some of its forces from West Germany and Algeria in August 1956 without supplying a 'discernible reason for this largely unexpected move' (NATO, 1956). Moreover, Amery's shift towards Europeanism and advocating further nuclear integration was provoked by cooperation between France, West Germany, and Italy to institutionalize nuclear defense on the European continent following the signing of the Protocol of Colomb-Béchar in 17 January 1957. The construction of a European nuclear defense network would have further isolated the United Kingdom following the disaster at Suez (O'Driscoll, 1998).

The exchanges between Amery and Bondi demonstrate the unique links between government and academia, which contributes to formulating a nation state's policy-making in a coherent manner. Bondi's encouragement was formative for Amery's stance on nuclear politics. Atomic weapons were considered to grant the holder significant influence on the international stage. Bulganin's threat at the end of the Suez intervention demonstrated the coercive power that nuclear weapons states (NWS) possessed. Indeed, the specters of Suez still lingered in the memory of Conservative thinkers, including Amery. The Suez affair has been described as a decisive blow to what Conservative MP Brigadier Otho Prior-Palmer claimed as Britain's 'jugular vein' (Hill, 1978). Amery considered Bondi's lack of criticism for nuclear weapons as a rationale for his support of British nuclearization, particularly as a deterrent capacity would answer the reactionary concerns for national security and European peace in the immediate aftermath of the Suez Crisis. Macmillan also knew the United Kingdom needed a nuclear deterrent. He impressed upon US Presidents Eisenhower and John F. Kennedy continuously that the Suez Crisis necessitated the change in British defence policy. He wrote in December 1962, before the Nassau Summit, which secured the United Kingdom its nuclear deterrent force, 'the UK wants a nuclear force not only for defense, but in the event of menace to its existence, which the UK might have to meet; for example: when Khrushchev waved his rockets about the time of Suez' (Macmillan, FRUS, 1962). Essentially, knowledge entrepreneurs, such as Bondi, profoundly impacted British policy since their scientifically tested viewpoints were seen as imperatives during the Cold War, according to Jasmine K. Gani and Jenna Marshall (Gani and Marshall, 2022).

The United Kingdom had a policy of pursuing nuclear weapons development since 1947. The loss of the Suez Canal furthered accelerated British efforts to develop a credible nuclear weapons deterrent. This acceleration occurred in tandem with reductions in troops stationed around the globe as part of the 1957 Defence White Paper. British Secretary of State for Defence Duncan Sandys introduced the Paper as part of a reorientation of the country's defense policy under the new Prime Minister Harold Macmillan, the man primarily responsible for starting the United Kingdom's shift away from its imperial heyday towards a multinational European Community. Macmillan tasked Sandys and his Minister of Aviation Peter Thorneycroft with spearheading the development of a practicable nuclear arsenal. Sandys understood that reducing the number of British troops abroad was a necessary obstacle to overcome to facilitate the construction of a nuclear deterrent. Sandys commented on 4 February 1958 that 'Present-day military preparations can no longer be planned on a national basis, since no country is strong enough to stand alone… there remains no effective protection against global war, save the threat of devastating retaliation' (1958). The jargon in Sandys' White Paper epitomized the shift in the UK government's way of approaching defense in the post-Suez period. The multilateral terminology remained, however the references to imperial property or colonial responsibilities were unsurprisingly absent since the British government had taken the position of negotiating access to the European Communities.

In line with the reaction of the United Kingdom's European partners, Amery remained broadly enthusiastic about the British government's renewed efforts towards nuclearization. From Amery's perspective, the overture to Europe provided a novel opportunity to extend British influence in a new period of high technology cooperation. Nuclear politics became the focus of European powers following the Suez debacle. French, Italian and West German officials designed a framework for creating a European superpower – the *Europe puissance* – to promote and strengthen already established ties of European unity. Mollet, the leader of the *Section française de l'Internationale ouvrière* (SFIO), spoke of the need for a European-wide nuclear defense network. His reasoning was two-fold. Firstly, a nuclear weapons capacity was envisioned to protect against further decolonization as Nasserite 'dogma' had dominated revolutionary thinking in Algeria, where French colonial rule was increasingly threatened (Meynier, 1990). Furthermore, the prodromes of superpower hegemony forced France and its European Community partners to embrace nuclearization to protect their security concerns around the politico-economic unification of Messina Treaty signatories, ensuring their role as influential powers in the field of public and cultural diplomatic relations (1961, AG/5(1)/688; Ciappi, 2023). Mollet's appeals for a European nuclear defense system drew support from British Conservatives, including Amery. By 1958, Macmillan had promoted Amery to the position of Colonial Secretary, where in 1959, he had conducted a report into the French attitude towards nuclearization. Amery stressed his backing for European nuclear integration to return the United Kingdom to the 'forefront of the international community.' However, he reported some concerns as to the French President Charles de Gaulle's idea of using a European nuclear deterrent as a foundation for a *directoire à trois* between the United States, United Kingdom and France (Deighton, 1994). The *directoire à trois* idea grew from previous nuclear assistance between the United Kingdom and France dating back to 1953. The United Kingdom's government had previously agreed to supply the French Fourth Republic with nuclear secrets during a multilateral conference on the Korean War (PREM/11/1311).

Franco-British collaboration over civil nuclearization in Paris commenced with the construction of the Chinon nuclear power station on 1 February 1957, after French politician and oil industrialist Pierre Guillaumat and British physicist Sir John Cockcroft agreed on cooperation between both countries in December 1954 (Bédarida, 1985). Cooperation with Continental powers over nuclear secrets was indicative of the new course for European nations in the period of decolonization. The United Kingdom, thus, adopted a policy of increasing European military cooperation at the WEU Council Meeting on 26 February 1957. The British government went as far as committing itself to the sharing of weapons procurement with France to bolster the European conventional military within an Atlantic framework, which was agreed bilaterally between French Prime Minister Maurice Bourgès-Maunoury and Her Majesty's Ambassador to Paris Sir Gladwyn Jebb on 1 March 1957 (FO/371/131074; PREM/11/3721). Amery wrote his recommendation for the British government to continue pursuing military and industrial links with France and the other EC nations, despite his concerns of the *directoire à trois* proposal. His desire to strengthen bilateral links owed to French eagerness to perfect their nuclear weapon capability (PREM/11/2696). The emphasis on nuclear cooperation with France put Amery at cross purposes with many Cabinet colleagues. The Foreign Secretary Selwyn Lloyd and Defence Secretary Harold Watkinson put stock in the United Kingdom's commitment to nuclear cooperation with the United States, at which point US Thor Missiles would be stationed at RAF Feltwell in Norfolk from 11 February 1959 indicating that Britain had reclaimed some of its strategic value on the international stage which was lost in the immediate aftermath of the Suez Crisis (White, 1991; Brugioni, 2010). Thus, several prominent Cabinet members including Macmillan viewed Amery's arguments as a distraction to the British government's

efforts of restoring its international influence. For instance, while Amery promoted Franco-British nuclear cooperation, Macmillan wrote to de Gaulle calling for an end to atomic weapons testing at sites close to the borders of former British colonies as the Conservative government was facing backlash from newly-established governments in West Africa (Hill, 2018; Regnault, 2003). The diplomatic tensions between the United Kingdom and France reached a crescendo when the *Cours Supérieure Inter-armée* actioned a nuclear weapons test in Sierra Leone on 24 April 1961 (PREM/11/4242).

Despite ongoing tensions between the United Kingdom and France, Amery continued to fly the flag for British involvement in Europe. In 1960, Amery was promoted again to the position of Secretary of State for Air. However, his elevation to a high-ranking position was not the primary method for advancing his pro-Europeanist ideology. From January 1962, Amery was a prominent – and much valued – member of the Conservative political pressure group The Monday Club. The club was a broad-church for political opinions on how best the Conservative Party can lead the United Kingdom forward in the decolonization period. It boasted 'a mixed assortment of right-wing thinkers' ranging from traditional Conservatives, such as Biggs-Davison and Wyndham Davies, the MP for Birmingham Perry Barr, to those of the Party's center-right like Amery (Copping, 1971). Amery argued that Conservative policy needed to shift away from the Left and its position of decolonizing British nationalism towards empire after he was removed as Colonial Secretary (Norton, 2002). His calls were disregarded as the now Chancellor of the Exchequer Selwyn Lloyd encouraged the MPs in the House of Commons to adopt a stricter economic program focusing on creating a new planning institution to limit further Sterling crises, which became a frequent occurrence following the run on the Pound during the Suez Crisis (Pemberton, 2004). The divisions within the upper echelons of the Conservative government support Miles Kahler's judgment that success in policy reorientation away from the antiquated traditions of empire can be measured by the limitations of internal party disruption during the decolonization period (Kahler, 2014). Thus, Amery found himself increasingly isolated from his Cabinet colleagues since the general direction of British policy focused on re-engaging military relations with the United States and fostering a new leadership role in the North Atlantic Treaty Organisation.

Nonetheless, Amery remained committed to the cause of European integration. In the early 1960s, Amery investigated avenues for furthering cooperation with European powers, primarily France. Amery was consigned to fighting his European cause through the Monday Club forum since Whitehall civil servants had taken measures to deliberately block Franco-British sharing of nuclear weapons technologies. For example, General Jean Crépin had been delegated to consult with officials from the British Ministries of Aviation, Defence and Supply around the use of the Blue Streak missile, an Anglo-American creation, which the US government considered to be unfit for their nuclear deterrent purposes (AVIA/65/739). Despite Amery and Minister of Aviation Duncan Sandys' endorsement of bilateral collaboration over atomic weapons, British officials, such as Ministry of Defence mandarin J.T. Williams, strongly argued against divulging such technological secrets shared through the Bermuda Conference with the French. Crépin was infuriated by this move since the French government had previously consented to the forging of cooperative links between British and French electrical and aeronautical firms (O'Driscoll, 1998). Bilateral cooperation was rendered impotent after the Ministry of Aviation refused to allow any inter-company exchange of high technology information, which was previously shared under Article II of the MacMahon Act – the legal act permitting closer nuclear ties between the United Kingdom and the United States passed on 29 October 1957. These decisions provoked a backlash from the French Ambassador in London Jean Chauvel who sent a series of telegram to Prime Minister Macmillan demanding that Anglo-American nuclear cooperation be 'extended to include all WEU countries.'

However, the Ministry of Aviation's hostility towards European overtures was muted in July 1962 when Amery was placed in charge of it. Immediately, Amery continued to search for avenues of cooperation with the brief of institutionalizing the Franco-British working partnership over aeronautical innovations in civil aviation. As the 1960s progressed, the feeling within the British Cabinet shifted from the bygone era of colonialism towards embracing pan-Europeanism. Macmillan's decision to radically reshuffle his Cabinet during the infamous 'Night of the Long Knives' in July 1962 prompted this dramatic policy change. It is important to note that international factors did not influence this decision. Rather, Macmillan sacked seven Cabinet ministers, including his Chancellor of the Exchequer Lloyd and Minister of Defence Harold Watkinson, to rejuvenate the public face of the Conservative Party after a series of by-election defeats and the stagnating nature of the United Kingdom's economy (King and Allen, 2010). Nevertheless, the domestic context by which Amery was moved from the Air Ministry to the Ministry of Aviation affected the United Kingdom's stance on the international stage. Amery was now responsible for coordinating the United Kingdom's acquisition of civil and military aeronautical hardware, as well as their development. His greatest triumph as the Minister of Aviation was the commencement of the Concorde Supersonic Transport (SST) program. Concorde was symbolic of closer ties between France and the United Kingdom as the Anglo-French

Agreement of November 1962 established a framework through which both countries collaborated to secure an influential European aeronautics sector to rival the hegemony of the superpowers (Nelson, 1969). Amery's role in negotiating the Anglo-French Agreement demonstrated a wholehearted departure from his neo-colonialist pedigree, mainly as it committed the United Kingdom and France to combining the efforts of their aeronautics industries – the British Aircraft Corporation (BAC) and Sud-Aviation – to develop and explore new civil and military aviation opportunities.

The signing of the Anglo-French Agreement proves Amery's credentials as a Europeanist. The bilateral treaty permitted the Minister of Aviation to achieve two key aims in his policy brief. In the first instance, the Concorde SST provided the United Kingdom with an opportunity to establish a new role for itself on the international stage. Amery hailed the Anglo-French Agreement as a critical success in undermining superpower hegemony. In his speech to the House of Commons on 29 November 1962, Amery described Concorde as being capable of commanding 'a leading position on the air routes of the world' (AMEJ/7/2/2). The Anglo-French Agreement cemented the impact of joint European projects in a competitive market cornered by the superpowers. In 1963, the US aerospace manufacturer Boeing purchased six Concorde options totaling £118,366,000 (AMEJ/7/1/46). Amery believed the Concorde SST would greatly benefit the British economy, stating that the Treasury department would 'make a killing' with the prospective sales on the aircraft (ibid). He went as far as describing the aircraft in its initial design stage as the 'golden goose' (Chandola, 1972). Furthermore, the Anglo-French Agreement set a precedent for military cooperation between both nations. Soon after the Agreement's ratification in Parliament and the *Assemblé nationale*, British and French politicians signed a Memorandum of Understanding to work together on military technologies. French Minister of Defence Pierre Messmer and Amery signed this Memorandum intending to design an anti-radar tactical strike weapon for the French nuclear deterrent – the *force de frappe*. Amery explained to his Cabinet colleagues that cooperation with the French over tactical nuclear weapons development and civil aviation concerns were essential as 'they form part of the same United Kingdom Operational Requirement… to provide strike aircraft with a precision weapon which can be launched without exposing the aircraft to local defences' (CAB/129/118/68). Thus, Amery's success with the Anglo-French Agreement provided a foundation, which turned BAC and other industrial entities (Bristol-Siddeley, Rolls-Royce etc.) into a prime industrial centre for European Community nations to exchange ideas. So much so, Belgian industrialist Comte René Boël, the chairman of the European League for Economic Co-operation between 1950 and 1981, pushed several French Finance Ministers during British applications to the European Communities to allow the United Kingdom's accession since it would bolster Europe's ability to 'counter-balance the tendency on the part of the United States to act in too precipitate a fashion' (PLDN/5/16).

IV. Amery's Legacy in Franco-British Affairs

Amery's fingerprints can be found over the direction of British aeronautical policy from his departure following the Labour Party's victory in October 1964. Before this, Amery actioned Lord Edwin Plowden's report arguing for technological cooperation between the United Kingdom and France as the groundwork for the production of successful aircraft (Owen, 1999). The report and subsequent bilateral negotiations between Messmer and Amery aiming to produce military aircraft further engrained Franco-British cooperation and the United Kingdom's pursuit of European Community membership. Martin W. Bowman has previously argued that Concorde gave the United Kingdom a foundation to rebuild its reputation as a leading power in the world (Bowman, 2007). While the British government required the Concorde SST to restore its tarnished image, France enjoyed the fruits of the *Trente Glorieuses*, a period of substantial growth in its domestic industry, which resulted in exports of its aeronautical products abroad. Philip H. Gordon has argued that the offshoots of the Anglo-French Agreement supplemented France's military role on the European Continent since the French Air Force already possessed a fleet of Mirage IV capable of carrying nuclear weapons, rather than in the British case (Gordon, 1993). Regardless, Amery was instrumental in plotting the course for a fruitful bilateral partnership between French and British industries. He even went as far as acquiring the support of his Cabinet colleagues by courting US opinion on the terms of Anglo-French cooperation. US Air Force General Curtis Emerson LeMay wrote to Amery between February 1962 and August 1963 stressing that access to the French aeronautical industry would grant the United Kingdom a new superiority over her nearest neighbours, going as far as arguing British 'military interests would find [it] hard not to exploit' the bilateral partnership (*Daily Herald*, 10 February 1962; PREM/11/3772). By late 1963, British Cabinet Ministers were beginning to accept the United Kingdom's need to develop closer ties with the European Community nations to regain a role as a world power. Prime Minister Macmillan became ill with a prostatic obstruction before the annual Conservative party conference and was quickly replaced by Sir Alec Douglas-Home on 19 October (Ramsden, 1996). According to David Dutton, Douglas-Home only pursued options to augment Britain's 'political clout in the wider world' (Dutton, 2006). Repositioning British

defense policy towards Europe was part of Douglas-Home's new approach. One which Defence Minister Thorneycroft and Amery fully exemplified. For example, following the signing of the Nassau Agreement between the United Kingdom and the United States, Thorneycroft openly criticized Macmillan's decision to access a US-controlled nuclear force, branding it 'military nonsense' (Pierre, 1972). Thorneycroft's criticism represented a deep divide between the Conservative way of thinking and the opinions of Whitehall officials. First Sea Lord and Admiral of the Fleet Sir Caspar John called on Thorneycroft to buy every Polaris missile system that the Americans 'will sell to us' (ADM/1/29269). Similarly, former First Sea Lord Mountbatten of Alamein branded Thorneycroft's pro-Europeanism and overt criticism of the Anglo-American nuclear deal as 'poppycock.'

Europeanism was now the guiding force of British policy and continued under Harold Wilson's new Labour government. However, Amery's early work set the British government on course for further European integration, which both Conservative and Labour Ministers supported. Despite Wilson's Minister of Economic Affairs George Brown investigating the feasibility of discontinuing the Concorde project, branding it 'a prestige project of low economic and social priority', the Labour government committed to Franco-British cooperation to create a European Community for technological innovation (AMEJ/7/1/42; CAB/130/212/MISC12). This new Community was part of Wilson's plan for modernization, which possessed a military element. The Anglo-French Agreement was the basis for this Community proposal, but more than that, it heralded a new period for technological innovation in the military field. In addition, declining diplomatic relations between the United Kingdom and the United States contributed to Wilson's further reorientation towards Europe. US military actions during the Vietnam War in the mid-1960s and the subjugation of the United Kingdom's role in nuclear weapons development as a result of the Partial Test Ban Treaty negotiations in August 1963 had soured Anglo-American relations, to the point where Wilson risked antagonizing President Lyndon B. Johnson with his calls for a British-axis in European defense planning (Edgerton, 1996; Vickers, 2008). Wilson's proposed Atlantic Nuclear Force – a NATO strike force with each member nation able to exercise sovereignty over its involvement – led Johnson to withdraw US proposals for the augmentation of atomic defense on the European Continent (Wasson, 2023). The result of the United States' withdrawal from discussions around European nuclearization left the door open for Franco-British reconciliation on the issue of military planning, something that Amery significantly affirmed.

1965 and 1966 marked a critical turning point in Franco-British technological cooperation. After General André Pujet had continued negotiations with Defence Minister Thorneycroft in August 1963, the United Kingdom and France had worked towards developing a concept of a new military fighter jet. These negotiations bore much fruit for the Franco-British working partnership. The final designs were the Anglo-French Variable Geometry (AFVG) aircraft and the SEPECAT Jaguar jet attack aircraft. Labour Defence Minister Denis Healey and his French counterpart Messmer signed a Memorandum of Understanding on 19 May 1965, ratifying the development of AFVG and SEPECAT Jaguar aircraft. Upon signing the agreement, Messmer stressed that Franco-British industrial cooperation was required for the 'wider working unity of Europe' (PREM/13/714). The British government agreed, and this view was shared throughout the legislative chambers. Notably, Derek Edward Anthony Winn, 5th Lord St. Oswald, remarked in the House of Lords 'coming-in of the variable geometry aircraft, of course I knew it was within our plans; it was, indeed the brain-child of our mutual friend Mr. Julian Amery' (1966). Lord St. Oswald's comments demonstrate the impact of Amery's transition from neo-colonial imperialist to Europeanist. In addition, Amery's transition matched the course of Conservative defense policy under Edward Heath. Unity on the European continent in defense matters was something Conservative thinkers argued for (AMEJ/1/6/17). Lord Carrington, the chair of the Conservative Policy Group on Foreign Affairs, concluded that joining a European defense organization was necessary. The bilateral supremacy that the United States and the Soviet Union obtained over 'modern weaponry' as a result of the Cuban Missile Crisis was the rationale behind this fresh support for the British Prime Minister from the opposition benches. The nuclear threats during the Cuban Missile Crisis illustrated the 'new and gigantic fact' that the United Kingdom needed European integration to have a relevant voice in international affairs given the Soviet Union was now able to directly threaten the United States (PREM/11/4413). Amery laid the groundwork on which Healey and Messmer institutionalized Franco-British aeronautical cooperation. The initial negotiations conducted by Amery and Pujet in May 1963 kick-started an effective trading partnership over aeronautical technologies in the first instance, and further mediums of Franco-British cooperation, namely, the Channel Tunnel (Davis, 1997). Something that both Conservative and Labour governments throughout the 1960s lauded as it meant the UK aeronautics industry was not dependent on US-manufactured hardware. The MoU resulted in an abandonment of the British 'Buy American' policy meaning that the European hardware alternatives, primarily the SEPECAT Jaguar was competition for US and Soviet hardware solutions (AMEJ/1/6/5).

While Amery was instrumental in establishing Franco-British aeronautical cooperation, the off-shoots of the Anglo-French Agreement were not warmly

welcomed within French academic circles. A prominent critic of French President Charles de Gaulle, Claude Fresnoy, represented the general feelings of disgruntled elites in France over the decision to construct the SEPECAT Jaguar with the United Kingdom. Fresnoy stated that the proposed introduction of the aircraft was a 'futility' since its influence 'would ultimately be limited' (Fresnoy, 1964). Fresnoy used the size of the Soviet Union and the United States as the empirical rationale for his criticism. However, the French academic's judgment could not have been wider of the mark. Franco-British military cooperation established through the Anglo-French Agreement led to the development of more than just aircraft. In 1970, the French government authorized the technical director of Compagnie Fabre to purchase the Decca 914 radar to be incorporated into French nuclear submarines (SOAM/3/1/11). Amicable military and industrial cooperation between the United Kingdom and France helped to alleviate some of the pressures of their international decline. Between the signing of the Anglo-French Agreement and the purchase of Decca 914 radars in 1970, the United Kingdom had experienced a further weakening of their influence abroad, especially following the Wilson government's decision to withdraw British forces 'East of Suez'. To combat the perception of British decline, the Defence White Paper of 1968 envisaged a reorientation of national defence towards a greater role on Continental Europe. Defence Minister Denis Healey wanted to use the White Paper to 'emphasise the positive aspects of the now primarily European role' for the United Kingdom (CAB/128/43/34). In addition, the chairman of the Conservative Group for Europe, Miles Hudson, argued that the United Kingdom needed to integrate further into organisations on the continent, otherwise 'Britain will have no special capability for use outside Europe.' Thus, the cross-party consensus on the United Kingdom's role in international affairs rested firmly on cultivating a European role. In many ways, Amery was ahead of his time in paving the way for this new approach to bolstering European defense. Healey carried on Amery's foray into European aeronautical defense cooperation as he brokered a deal with the West German government for the development of a Multi-role Combat Aircraft (MRCA), to be constructed by both BAC and Messerchmitt-Bölkow in 1969. Claire Sanderson has stated that the British Defence Ministry sought to maintain its global influence, while establishing a world role through cornering the European defense market (Sanderson, 2011). The cooperation over a MRCA preceded the establishment of the EUROGROUP in 1973, which contradicts Raymond Courand's point that the period 1954 to 1973 was utterly void of military initiatives in the field of defense aeronautics (Courand, 2009). Nevertheless, the genesis of the EUROGROUP would not have been possible without the decision for the United Kingdom and France to collaborate on aeronautic technologies. The British government viewed the MCRA – alongside the Concorde and SEPECAT Jaguar projects – as critical to maintaining the output of the British aeronautics industry, particularly as the United States and the Soviet Union were financially competitive in the global market. The Franco-British military partnership spearheaded further innovation in the aviation sector throughout the remainder of the Cold War period. In particular, the SEPECAT Jaguar allowed the United Kingdom and France to organise global conventional defense measures. Oman and Ecuador purchased SEPECAT Jaguar options in September 1974 following its immediate introduction into service, which permitted both countries to initiate further development into the project. Therefore, Amery's legacy in the establishment of bilateral negotiations between the United Kingdom and France over Concorde was the flourishing of European defense cooperation on a multilateral scale. The expansion of BAC's industrial network to include West German and French defense projects illustrates how critical Amery's initial negotiations with de Courcel for the construction of Concorde and Pujet for the design of AFVG were, notably as they created an infrastructure for further projects and cooperation to occur, with the ultimate intention of proving to their Continental partners that the British were, in fact, 'good Europeans' (Ziegler, 2011).

V. Conclusion

The parliamentary career of Julian Amery provides historians with a novel lens in which to analyse the trajectory of the United Kingdom's foreign and defence policies from 1950 until 1962. Amery's journey from neo-colonial imperialist to Europeanist was influenced dramatically by the emergence of superpower hegemony and further European integration initiatives. When Amery first entered parliament, the sun was slowly beginning to set on the British empire. The losses of the Second World War meant that the United Kingdom could do little to slow the spread of nationalism and socialism across its imperial territories. According to Daniel F. Calhoun, 'no European power had anything like [the Soviet Union's] military clout' (Calhoun, 1991). Calhoun's argument is undoubtedly credible since in the immediate aftermath of the Second World War, former Prime Minister Winston Churchill asserted in a visit to the United States in March 1946 that the Soviet Union sought to enjoy the 'fruits of war and the indefinite expansion of their power and doctrines' throughout the Middle East, Continental Europe and Africa (Gaddis, 1972). Significantly, it was the reluctance of the British government to counteract calls from African and Middle Eastern nations for self-governance following the Second World War that provoked Amery's shift towards Europeanism. The public embarrassment of the Suez Crisis for the United

Kingdom and France also contributed to the escalation in African nations calling for self-government. For instance, by 1957, Nigerian politicians were applying further pressure on the British government for a transfer of legislative powers before independence in April 1960. The growing interest in independent self-governance across the Middle East and Africa found popular support in the British parliament with over 100 MPs comprising the Movement for Colonial Reforms in London, which criticized the Conservative government for delaying the advancement of sovereignty across its imperial territories (Lawal, 2010). In attempting to understand Amery's role in the trajectory of British foreign and defense policy from 1950 onwards, imperial retreat must be considered. The Mau Mau rebellion and the Suez Crisis act as two embarrassing milestones for the British Conservative government and greatly underpin Amery's decision to move away from neo-colonial imperialism. The nuclear threat from Bulganin triumphed in forcing Eden to accept the UN cease-fire following the Franco-British intervention into Egypt. Thus, nuclear weapons were seen as the new instruments of power on the international stage, rather than the out-dated methods of colonial expansion. Amery understood this and, along with his Cabinet colleague Thorneycroft, favored a British nuclear policy as a means of furthering European integration, effectively 'killing two birds with one stone' insofar as reorienting the United Kingdom's defense policy towards its European allies, while also developing a credible nuclear deterrent during the early phase of the Cold War.

Amery's legacy in the field of Franco-British aeronautical defense cooperation contradicts the interpretation that the United Kingdom should not play a role in construction of a European military bloc (Dietl, 2002). Rather, Amery played a critical role with Geoffroy de Courcel in developing the framework through which Franco-British civil and military aviation projects, such as the SEPECAT Jaguar, could be created. However, the hegemony of the superpowers tarnishes Amery's legacy in broader British defense policy. In October 1962, Amery, Macmillan, and Thorneycroft met to assess whether British nuclear delivery systems could be used for a European deterrent, therefore promoting the United Kingdom to an influential position on the international stage. Amery and Thorneycroft's posturing towards further nuclearization of British defense policy came a little too late to be considered effective. As early as 1957, the Permanent Representative of the Soviet Union to the United Nations Arkady Sobolev clarified that while nuclear weapons tests continued, the Soviet Union valued discussions around disarmament, thus laying the groundwork for future negotiations around nuclear non-proliferation. Indeed, the 1960s saw great strides towards non-proliferation with the Partial Test Ban Treaty (PTBT) being signed between the United States, Soviet Union, and the United Kingdom in August 1963 – less than twelve months after Amery and Thorneycroft's discussions with Macmillan. In addition, the advent of the Cuban Missile Crisis in November 1962 meant there was less potency in the nuclearization debate. In the immediate aftermath of the blockade of Cuba, US Secretary of State Dean Rusk and the First Deputy Chairman of the Council of Ministers of the Soviet Union, Anastas Mikoyan, opened negotiations to find a common position regarding the 'cessation of nuclear tests' and more importantly the non-proliferation of nuclear weapons and non-transfer of missiles across sovereign borders (Mikoyan, 2014). The PTBT acted as a precursor to further non-proliferation agreements. The Non-Proliferation Treaty (NPT) followed in 1968. The main issue regarding the NPT on Amery's legacy in Franco-British cooperation was the French decision not to sign the treaty. The NPT was the critical turning point for the institutionalization of superpower hegemony as it tied the United States and Soviet Union into further negotiations over arms control measures. Further, the NPT became a deterrent to Britain in facilitating nuclear cooperation with the French. The Labour MP for Sheffield Park Fred Mulley expressed concern over Franco-British nuclear collaboration in 1969, stating that 'proliferation [with France] is a serious danger' characterizing it as 'extremely unwise to link' Franco-British cooperation with EC accession under Britain's obligations to the NPT. Thus, Amery's aim of using nuclear weapons as a makeweight for British accession to the European Communities could not be realised due to overwhelming political influence of the superpowers during the 1960s.

Nonetheless, Amery achieved some successes during his time as Minister of Aviation. The Anglo-French Agreement cemented the United Kingdom's legacy as an aeronautical innovation during the Cold War technological race. While some off-shoots of the Anglo-French Agreement – namely, the AFVG supersonic aircraft – failed to make it into service, the impact of Amery and de Courcel's initial treaty cannot be underestimated (James and Judkin, 2010). The roots of the successful Concorde and SEPECAT Jaguar projects stem from the decision in November 1962 to combine British and French efforts affirmed by Amery and de Courcel. The SEPECAT Jaguar's legacy and technological supremacy brought stability to a Franco-British military and security partnership, which had experienced measurable damage following the Suez Crisis. Military collaboration over Jaguar construction was a crucial factor in the Franco-British working partnership. It formed part of the basis for British entry into the European Communities in January 1973. In addition, the project achieved two aims. The SEPECAT Jaguar acted as a fruitful medium for Franco-British cooperation while also advancing European research and development to such a degree that it began to

challenge superpower dominance in aeronautics. While both countries may have disagreed on the idea of non-proliferation and the construction of a nuclear deterrent, their military partnership allowed for further innovation in the aviation sector throughout the remainder of the Cold War period. In the broadest possible terms, Amery's legacy was to institutionalize Franco-British cooperation when the United States and the Soviet Union critically undermined their international influence, particularly in African dependencies (Schraeder, 2000). Regardless, the Concorde and SEPECAT Jaguar aircrafts serve as historical reminders of not only Amery's legacy, but both his and the United Kingdom's reorientation from imperialism towards embracing Europeanism as a means of restoring international influence.

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Brief Reflection on the Consistency of the Principle of Transparency and Good Governance in the Budgetary Law of CEMAC States: Case of Cameroon

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Abstract- The study of the consistency of the principe of transparency and good governance in cameroonian budgetary law involves treatig the content of the said principle in the normative field which governs budgetary engineering. It emerges that the principle of transparency and good governance in budgetary law consists of a liberalization of management public budgetary. Indeed, this principle present itself as information to the public on the public budget management. This reality truly emerges from then on, that this information in exercised on all past, present and future budgetary and extrabudgetary activities of the budgetary management of public entities on the one hand, and that thisinformation of the public is presented as obligatory, regular and exhaustive on the other hand. Likewise, the principle of transparency and good governance in cameroonian budgetary matters also consists of control of public budgetary management. This control itself relating firstly to administrative control with multiple forms, multiple procedures and the nature diversify, and secondly to a control of the national representation alongside which stands the audit chamber of the supreme court. Anything that aims at the construction of sustainable democratic budgetary management.

Keywords: *transparency, good governance, information, public, control.*

GJHSS-F Classification: *LCC: HJ2219.C3*

Brief Reflection on the Consistency of the Principle of Transparency and Good Governance in the Budgetary Law of CEMAC States: Case of Cameroon

Réflexion Succincte Sur la Consistance du Principe de Transparence et de Bonne Gouvernance Dans le Droit Budgétaire des Etats de la CEMAC: Cas du Cameroun

Seudieu Tchinda Donylson Brown

Résumé- L'étude de la consistance du principe de transparence et de bonne gouvernance dans le droit budgétaire camerounais implique de traiter du contenu du dit principe dans le champ normatif qui régit l'ingénierie budgétaire. Il en ressort que le principe de transparence et de bonne gouvernance en droit budgétaire consiste en une libéralisation de la gestion budgétaire publique. En effet, ce principe se présente comme une information du public sur la gestion budgétaire publique. Cette réalité ressort véritablement dès lors, que cette information s'exerce sur l'ensemble des activités budgétaires et extrabudgétaires passée, présente et future de la gestion budgétaire des personnes publiques d'une part, et que cette information du public se présente comme obligatoire, régulière et exhaustive d'autre part. De même, le principe de transparence et de bonne gouvernance en droit budgétaire camerounais consiste également en un contrôle de la gestion budgétaire publique. Ce contrôle lui-même se rapportant premièrement à un contrôle administratif aux multiples formes, aux multiples procédures et à la nature diversifier, et deuxièmes à un contrôle de la représentation nationale au côté de laquelle se tient la chambre des comptes de la cour suprême. Toute chose qui vise au demeurant la construction d'une véritable gestion budgétaire démocratique.

Motsclés: transparence, bonne gouvernance, information, public, contrôle.

Abstract- The study of the consistency of the principe of transparency and good governance in cameroonian budgetary law involves treatig the content of the said principle in the normative field which governs budgetary engineering. It emerges that the principle of transparency and good governance in budgetary law consists of a liberalization of management public budgetary. Indeed, this principle present itself as information to the public on the public budget management. This reality truly emerges from then on, that this information in exercised on all past, present and future budgetary and extrabudgetary activities of the budgetary management of public entities on the one hand, and that thisinformation of the public is presented as obligatory, regular and exhaustive on the other hand. Likewise, the principle of transparency and good governance in cameroonian budgetary matters also consists of control of public budgetary management. This control itself relating firstly to administrative control with multiple forms, multiple procedures and the nature diversify, and secondly to a control of the national representation alongside which stands the audit chamber of the supreme court. Anything that aims at the construction of sustainable democratic budgetary management.

Keywords: transparency, good governance, information, public, control.

Introduction

La gestion des finances publiques est plus que jamais en mutation[1] au sein de la CEMAC[2] en général et de l'Etat du Cameroun[3] en particulier. A l'image du droit administratif et du droit constitutionnel dont l'évolution n'est plus à remettre en question[4], le droit public financier camerounais a subi de profondes transformations[5] voir une réforme généralisée[6] résultant de l'infiltration en son sein de techniques de gestion

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[1] HERTZOG (R), « les mutations des finances publiques : manifeste pour une discipline rajeunie », *RFFP*, n°79,2002, pp.259-278.

[2] Issue de la défunte Union douanière et économique de l'Afrique centrale (UDEAC) et crée par un traité en date du 16 mars 1994, la Communauté Economique des Etats de l'Afrique Centrale est une organisation d'intégration régionale qui a vocation à institué une union monétaire et économique entre ses membres. Ces derniers sont par ailleurs au nombre de six (06) : La république du Cameroun, la république du Congo Brazzaville, la république du Tchad, La république Centrafricaine, la république du Gabon et la république de Guinée Equatoriale.

[3] Le Cameroun, en forme longue : la république du Cameroun, est un Etat d'Afrique centrale situe entre le Nigeria au Nord-ouest, le Tchad au nord-est, la république Centrafricaine à l'Est, la république du Congo au sud-est, le Gabon au sud, la Guinée Equatoriale au Sud-ouest et le golfe de guinée au sud-ouest. Les langues officielles sont le Français et l'anglais pour un pays qui compte une diversité de langue locales. La population du Cameroun est estimée en 2015 à 30 000 000 d'habitant. Suivant le récent rapport de l'institut national de la statistique et du contrôle, lors de son indépendance en 1960 le Cameroun comptait un peu plus de 5 000 000 d'habitants.

[4] Voir à ce sujet ONDOA (M) et ABANE ENGOLO (P.E) (dir), *Les transformations contemporaines du droit public en Afrique*, Paris, L'Harmattan, 2018, 216P.

[5] Lire PEKASSA NDAM (G), « les transformations de l'administration fiscal camerounaise », in ONDOA (M) (dir), *L'administration publique camerounaise a l'heure des reformes*, Yaoundé, Harmatten-cameroun, 2010, pp. 29-65.

[6] BILOUNGA (S.Th), *FINANCES PUBLIQUES CAMEROUNAISES Budgets-Impôts-Douanes-Comptabilité publique*, L'Harmattan, 2020, p.19.

financière nouvelle[7] et ceci dans le but de garantir l'efficacité et la transparence de la gouvernance financière publique[8]. En effet, pour un Etat comme le Cameroun qui s'est fixé pour objectif d'atteindre l'émergence à l'horizon 2035, l'amélioration de son cadre budgétaire s'est vue considéré, sous l'impulsion des institutions de Bretton Woods, comme un impératif dans son processus de développement. C'est la raison pour laquelle, plusieurs réformes visant l'efficacité financière de l'Etat ont étés implémentés ces dernières années. Les pouvoirs publics ont ainsi procédé à des mutations importantes en matière de gestion budgétaire. C'est le cas notamment de la consécration du principe de transparence et de bonne gouvernance budgétaire[9].

La consécration du principe de transparence et de bonne gouvernance dans la gestion budgétaire publiques apparaît incontestablement comme l'impératif de normalisation du processus budgétaire, qui résulte de la transposition au secteur public des méthodes de gestion financière du secteur privé. Il s'agit ici d'un nouveau paradigme impulsé par la réforme de la gestion des finances publiques qui avait été amorcée par la loi du 26 décembre 2007[10] et qui s'est poursuivie à travers les lois de 2018, portant respectivement Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun[11] et Régime financier de l'Etat et des autres entités publiques[12], fruits des impératifs des directives de la CEMAC de 2011[13]. De ce fait, l'attachement du Cameroun à la réalisation d'une harmonisation de la gestion des finances publiques dans la zone CEMAC, là conduit à une véritable transposition des directives du cadre harmonisé des finances publiques de cette communauté. La CEMAC se présente alors comme le véritable cadre de juridicisation de la transparence et de la bonne gouvernance et par conséquent de l'impératif de performance budgétaire. Bien plus, ce cadre est le fondement de la réforme de la gestion des finances publiques bien qu'élaboré sous la pression des bailleurs de fonds internationaux qui prônaient ainsi une gouvernance financière démocratique. Il ressort d'une analyse globale le constat d'une révolution culturelle en matière de gestion des finances publiques dans laquelle l'obligation de performance et de ce fait le principe de transparence et de bonne gouvernance est plus que jamais consolidées.

Plus encore, cet impératif de normalisation en matière de gestion des finances publiques, du fait de la transposition des règles de base du management des organisations à la gestion administrative, impose la responsabilité des acteurs vis-à-vis du public ou mieux vis à vis du citoyen et de ses représentants. Le principe de transparence et de bonne gouvernance apparaît donc comme un véritable bouleversement culturel pour les gestionnaires du secteur public. Il constitue le catalyseur d'une démocratisation en matière de gestion des finances publiques. C'est dire qu'il ne saurait avoir une réelle démocratie financière sans exigence de transparence et de bonne gouvernance. Dès lors, ces dernières auront pour objectif d'assainir le maniement des deniers publics. La réalisation de la transparence et de la bonne gouvernance à travers le droit est alors une œuvre importante dans un Etat ou la mal-gouvernance financière semble courante dans chaque acte de la vie publique. Il est donc évident, qu'en matière budgétaire[14], le principe de transparence et de bonne gouvernance s'impose de plus en plus avec acuité en devenant une pièce maitresse dans le processus budgétaire. Ce principe est généralement présenté et enseigné comme quelque chose de récent. Or en réalité la transparence et la bonne gouvernance sont des fondements anciens du processus budgétaire même si ces termes n'étaient guère utilisés par le passé. Ce principe occupe une place incontournable en ce qu'il constitue une plaque tournante du processus budgétaire et couronne ainsi l'édifice juridique d'un droit financier national l'assurant ainsi une unité conceptuelle non négligeable. Le principe de transparence et de bonne gouvernance est aussi en droit budgétaire un impératif stimulant car malgré une certaine imprécision juridique il conserve son sens. De même, la part de mystère qu'il conserve n'empêche pas son statut de

[7] Voir MONGBAT (A), *Finances publiques et finances privées au Cameroun : contribution à l'étude de l'évolution du système financier public*, Thèse de doctorat/Ph.D en droit public, Université de Dshang, 2018, 574P.

[8] HERTZOG (R), « Finances publiques et finances privées : nouvelles frontières, nouvelles similitudes ? », *RFFP*, n°100, 2007, pp. 107-125.

[9] Voir à ce sujet AKONO (O.A), « La codification de la transparence et de la bonne gouvernance dans les finances publiques des Etats de la CEMAC », *Revue de la FSJP de l'Université CHEIKH ANTA DIOP DE DAKAR*, Avril 2023, n°18, volume 1, 2éme partie, pp.37-78.

[10] « Loi n°2007/006 du 26 décembre 2007, portant régime financier de l'Etat ».

[11] Loi n°2018/011 du 11 juillet 2018 portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques

[12] Loi n°2018/012 du 12 juillet 2018 portant régime financier de l'Etat et des autres entités publiques

[13] En rapport avec les directives du cadre harmonisé de gestion des finances publiques de la CEMAC adoptes dans le sillage de la réforme de la gouvernance financière. Ces derniers sont au nombre de six :

- Directive n°06/11-UEAC-190-CM-22 relative au Code de transparence et de bonne gouvernance dans la gestion des finances publiques ;
- Directive n°01/11/-UEAC-190-CM-22 relative aux lois de finances ;
- Directive n°02/11-UEAC-190-CM-22 relative au règlement général de la comptabilité publique ;
- Directive n° 03/11-UEAC-195-CM-22 relative au plan comptable de l'Etat ;
- Directive n° 04/11-UEAC-190-CM-22 relative à la nomenclature budgétaire de l'Etat ;
- Directive n° 05/11-UEAC-190-CM-22 relative au tableau des opérations financières de l'Etat.

[14] Sur l'ancrage historique et doctrinal de l'exigence de transparence budgétaire, voir, ABOUBAKRY SY, *La transparence dans le droit budgétaire de l'Etat en France*, Paris, LGDJ 2017, pp. 14-26.

principe fondamentale mais le rend plutôt délicat à appliquer, car il est le fruit d'une construction complexe. Il donne enfin du sens à notre organisation politico-sociale en ce qu'il se présente comme un véritable ciment de la société contemporaine.

Enoncé comme un « *principe* », concept appréhendé ici comme une norme juridique doté d'une généralité, d'une stabilité, d'une importance particulière et comme une norme fondamentale qui ne se déduit d'aucune autre[15] manière, la transparence et la bonne gouvernance paraissent difficilement conceptualisable. Dans son acception littéraire, la transparence est « *la faculté voir à travers les objets ou encore le mot qui symbolise la faculté de voir des deux côtés d'un miroir* »[16]. Elle est couramment rapprochée des deux concepts philosophiques que sont le « *vrai* » et le « *juste* »[17]. En droit budgétaire elle va véritablement être conceptualisé dans le système financier international qui constitue, à travers une internalisation forte de ses recommandations dans les Etas, la véritable locomotive pour une définition claire de la notion de transparence. Selon le fond monétaire international (FMI)[18], la notion de transparence traduit « *le souci de faire connaitre ouvertement au public les activités budgétaires passée, présentes et futures de l'Etat ainsi que la structure et les fonctions des organes gouvernementaux qui déterminent la politique et les résultats budgétaires* »[19]. Elle reposerait ainsi sur quatre (04) critères qui sont entre autres, une identification claire des acteurs, de leurs champs de compétences et de leurs responsabilités, la mise en place d'un processus budgétaire ouvert, la garantie de l'accès du public à l'information et la garantie de l'intégrité de ladite information. Pour l'organisation de coopération et de développement économique (l'O.C.D. E), la transparence en matière budgétaire est « *le fait de faire pleinement connaitre, en temps opportun et de façon systématique, l'ensemble des informations budgétaires* »[20]. Enfin pour la banque mondiale (B.M), la transparence budgétaire est un accès, à moindre cout à l'information relative aux finances des entités publique[21].

La transparence dans le droit budgétaire suppose donc que l'organisation de la procédure de gestion des deniers publics soit claire et simple tout en apportant les garanties de sécurité les plus absolus[22]. Elle impose que les citoyens à la fois contribuable et usager des services publiques de même que leur représentant soit clairement, régulièrement et complètement informé de tout ce qui concerne le gouvernement et la gestion des fonds publics. Considéré donc comme « *une valeur en hausse* »[23] ou comme « *un droit de savoir* »[24], la transparence renvoie au sens de monsieur Errol TONY « *à l'accessibilité et à l'intelligibilité de l'information sur la gestion du budget* »[25]. Autrement dit la transparence est l'exigence de contrôle, d'information et d'intégrité des acteurs de l'exécution du budget des entités publiques[26]. Pour le professeur Raymond MUZELLEC elle se définie comme « *le droit de connaitre, de savoir pour comprendre et mieux décider* »[27]. Elle suppose ainsi la lisibilité, l'accessibilité et l'intelligibilité de la législation financière[28].

S'agissant de la bonne gouvernance, elle est principalement définie par les Nations Unies et la plupart de ses structures de rattachement[29], comme la gestion démocratique des affaires publiques aux plans administratif, politique, économique et socio-culturel[30]. Elle est ainsi tirée d'une conception néolibérale des systèmes de pouvoir et d'action irradiée par le

[15] GERARD (Ph), « Aspect de problématique actuelle des principes généraux du droit », *Déviance et Société*, 1988, n°1, p.5.

[16] ZIBI (P), *Le droit de la gouvernance au Cameroun*, Thèse de doctorat/Ph.D, Université de Yaoundé 2, 2015, p.1.

[17] ANEGAPSA BESSEDE (F), *L'exigence de la transparence dans le droit budgétaire camerounais*, Mémoire de Master 2 recherche, FSJP, Université de Ngaoundéré, 2022, p.6.

[18] Sur le rôle de cette institution financière dans l'émergence de la transparence, Voir à ce propos CHEVAUCHEZ (B), « Transparence budgétaire : où en est-on ? », *RFFP* n°80, 2002, p.145.

[19] http://www.imf.org/external/np/exr/facts/fre/fiscalf.htm consulté le 8 janvier 2024 à 19h.

[20] OCDE, Transparence budgétaire : les meilleurs pratiques de l'OCDE, Paris, 2002, p.7.

[21] CHIAVO-CAMPO (S), in Banque mondiale, Budgeting and budgetary institutions, Public sector gouvernance and accountability series, édité par Anwar Shah, Wahington, 2007, p.54. Cité par SY (A), *La transparence dans le droit budgétaire de l'Etat en France*, op.cit., p.5.

[22] ISSOUFOU (A), « La transparence des finances publiques : un nouveau principe budgétaire dans l'Union économique et monétaire ouest-africain (UEMOA) ? », op.cit., P .3.

[23] CHEVALLIER (J), « le mythe de la transparence administrative », in *CURAPP*, Information et transparence administrative, *PUF*, Paris, octobre 1988, p.240.

[24] NABLI (B), « Fondements de la « moralisation-juridicisation » de la vie politique », *Pouvoirs* 2015/3 n°157, p.158.

[25] TONI (E), *L'autorisation budgétaire dans le Droit financier ouest-Africain francophone*, thèse de doctorat PhD, Université Lyon III Jean Moulin, 2015, p.458.

[26] Article 40 à 46 (pour le contrôle) ; article 47 à 50 (pour l'information) ; article 51 à 56 (pour le principe d'intégrité) de la loi n° 2018/11 portant code de transparence et bonne gouvernance dans la gestion des finances publiques au Cameroun (CTGFP), cité par FERMOSE Janvier, « Le contrôle financier spécialiser en droit camerounais, in *Gestion & Finances Publiques*, 2021/2, n°2, p.96.

[27] MUZELLEC (R), *Finances publiques : Etat-Collectivités locales-Union européenne*, 15e éd., Dalloz, Sirey, Paris, 2009, p.318.

[28] Article 2 alinéa 2 de la loi n° 2018/11 portant code de transparence et de bonne gouvernance dans la gestion des finances publique au Cameroun

[29] Il s'agit principalement du Programme des Nations Unies pour le Développement (P.N.D.P). En effet ce dernier en mettant l'emphase sur l'humain opte pour une approche dynamique dite inclusive et diversifier du concept de bonne gouvernance en s'opposant ainsi à celle exclusive dite économique.

[30] AKONO (O.A), « La codification de la transparence et de la bonne gouvernance dans les finances publiques des Etats de la CEMAC », op.cit. p.46.

mouvement de globalisation[31]. De plus elle se voit véritablement émerger sous l'égide des nouvelles conditionnalités internationales de plus en plus pressantes sur les Etats en crise se réclament de Droit[32] et du vent de de démocratisation des années 90[33]. La bonne gouvernance en matière financière met de ce fait en avant l'idée d'une gestion des budgets publics exempte de vices d'intégrités, de toute violation du droit, de toute centralisation et de tout cloisonnement[34]. Elle est un pilier de l'Etat de Droit et de la démocratie[35]. Dans le droit budgétaire camerounais elle se voit ainsi appréhender comme un idéale de gestion budgétaire fondé d'une part sur la satisfaction de l'intérêt générale et d'autre part sur la garantie de la légitimité et de la crédibilité des personnes publiques[36]. Dès lors, la consécration du principe de transparence et de bonne gouvernance dans la gestion des finances publiques camerounaises fait ainsi ressortir une véritable transformation au sein de l'ingénierie budgétaire publique et marque la volonté des pouvoirs publiques de parvenir à une gestion performante des deniers publics. Le caractère globalisant de ce principe implique de ce fait, dans les textes qui le régissent, une véritable ouverture du processus budgétaire[37] même si celle-ci reste tout de même limité [38]. Rien que de ce fait, le principe de transparence et de bonne gouvernance dans la gestion des finances publiques constitue une innovation majeure et mérite ainsi d'être analysé du point de vue de sa nature véritable et ceci par sa consistance en matière budgétaire.

Faire une analyse sur la consistance d'un principe comme celui de transparence et de bonne gouvernance dans le droit budgétaire camerounais, implique la recherche de la traduction juridique de ce principe dans la réalisation du processus budgétaire. Le concept « *consistance* » est ici synonyme de contenu. Partant de cette considération, mener une étude sur la consistance du principe de transparence et de bonne gouvernance dans le droit budgétaire camerounais, revient à s'interroger sur le contenu véritable de ce nouveau principe de gestion des finances publiques. En effet, l'intérêt d'une telle analyse réside dans le fait que le sujet nous place au centre de la problématique de démocratisation, non pas sous l'angle exclusive du droit constitutionnel mais aussi sous l'angle des finances publiques[39], chose qui paraît plus qu'important pour la communauté des chercheurs et ce dans un monde de plus en plus ouvert.

En guise d'approche méthodologique, nous allons faire recours aux méthodes juridique, sociologique et comparative. L'analyse d'un tel sujet passe d'abord par l'exégèse des différents textes juridiques qui consacre ce principe. Ensuite, la littérature produit par la doctrine sur ce thème et les rapports pédagogiques aussi bien nationaux qu'internationaux sur la question. Le résultat de ce travail n'a effectivement pas pour prétention de produire une analyse exhaustive sur la question, mais propose juste des pistes de réflexion visant à contribuer à la matérialisation de ce principe dans la gouvernance financière contemporaine. Sur la base de cette approche méthodologique, l'hypothèse qui est la nôtre est que, le principe de transparence et de bonne gouvernance en droit budgétaire camerounais consiste à une libéralisation de la gestion budgétaire publique. En effet, il ressort de sa consécration un accent particulier accordé d'une part à l'information du public sur la gestion budgétaire (I) et d'autre part au contrôle de ladite gestion (II).

I. Une Information du Public Sur la Gestion Budgetaire Publique

De manière générale l'information[40] se présente déjà comme un droit pour le public[41] et pour le citoyen

[31] AUBY (J-P), *La globalisation, le droit et l'Etat*, Paris, *LGDJ*, Coll. Systèmes, 2e éd., 2010, 264P.
[32] KAMTO (M), « Crise de l'Etat et réinvention de l'Etat en Afrique », in KAMTO MAURICE (dir), *L'Afrique dans un monde en mutation. Dynamiques internes, marginalisation internationale ?* Yaoundé, Afrédit, p.82.
[33] DIOUF (A.A), « Bonne gouvernance et Etat de droit », Revue Trimestrielle de l'Institut Africain pour la Démocratie, décembre 1996, p.27.
[34] S'agissant des caractères de la bonne gouvernance voir KEUTCHA TCHAPNGA (C), « l'influence de la bonne gouvernance sur la relance de la décentralisation territoriale en Afrique au sud du Sahara », *RADP*, vol.1, n°1, juin-déc. 2012, p. 155.
[35] SOROK A BOL (P.G), « Constitution et bonne gouvernance dans les Etats d'Afrique noire francophone », *RADP*, vol X, n°24, supplément 2021, p. 318., Cité par AKONO (O.A), « La codification de la transparence et de la bonne gouvernance dans les finances publiques des Etats de la CEMAC », op.cit. p.46.
[36] AKONO (O.A), « La codification de la transparence et de la bonne gouvernance dans les finances publiques des Etats de la CEMAC », op.cit. p.46.
[37] SEUDIEU TCHINDA (D.B), *L'exigence d'information du public en droit public financier Camerounais*, Mémoire de Master 2 Recherche, FSJP, Université de Ngaoundéré, 2022, 90P.
[38] Ibid., pp. 46 et suivant.
[39] Sur la conceptualisation de la problématique de la démocratisation financière voir AKAKPO (M. B), *Démocratie financière en Afrique Occidentale francophone*, F.Ebert Stiftung 2015, 165P.
[40] La définition de l' « information » est un exercice complexe au regard du fait que cette notion ne s'appréhende pas pareillement dans toutes les disciplines. Dans son sens étymologique, le vocable « information » se trouve tiré du verbe « informer ». Ce verbe émane du latin « *informare* », qui signifie donner forme ou encore « façonner, instruire, se faire une idée de quelque chose ». Ce concept signifie aussi « mettre au courant, faire savoir, annoncer, avertir éclairer, renseigner »
[41] La notion de « public » est une notion difficile à manier car, elle renvoie à des acceptions différentes selon les usages en présence. Etymologiquement, ce terme provient du latin « *publicus* », lui-même dérivé de « *populus* » qui renvoie au peuple, le mot « public » se conçoit comme la qualification de « ce qui concerne la collectivité dans son ensemble ou qui en émane ». Cette notion s'entend aussi comme l'ensemble des personnes prises indistinctement (synonyme de population) ou l'ensemble des personnes visées ou atteintes par

en particulier. En effet, la loi de 90 sur la liberté de communication sociale disposait déjà que le public a droit à une information pluraliste[42] ; le pluralisme étant un objectif à valeur constitutionnelle pour le Conseil Constitutionnelle français[43], une liberté fondamentale pour le Conseil d'Etat.

Dans le domaine budgétaire, l'exigence d'information du public va véritablement prendre effet avec l'adoption des directives de la CEMAC de 2011 et en particulier celles relatives au Code de transparence et de bonne gouvernance dans la gestion des finances publiques[44]. Car le peuple est le seul maître de la dépense publique. Dès lors, il émane de l'analyse et de l'interprétation des dispositions de l'ensemble des règles qui régissent la gestion des deniers publics, la consécration d'une exigence d'information du public sur la gestion passée, présente et future des activités budgétaires des personnes publiques (A). Par ailleurs, information qui apparaît obligatoire régulière et exhaustive (B).

A. *Une information du public sur la gestion budgétaire publiques au champ d'action large*

Les instruments de droit qui consacrent l'exigence d'information du public en matière de gestion des finances publiques au Cameroun déterminent à suffisance le champ matériel et temporel que couvre cette information. En effet, l'information du public se doit d'être faite sur le passé, le présent et l'avenir de la gestion des finances publiques (1) et se doit de portée sur l'ensemble des activités budgétaires et extrabudgétaires des entités publiques (2).

1. Une information du public sur la gestion budgétaire passée, présente et future

Le champ temporel de l'exigence d'information du public sur la gestion budgétaire se voit clairement consacré par les dispositions de plusieurs instruments juridiques qui régissent le maniement des fonds publiques au Cameroun. Il s'agit principalement des dispositions de la directive N° 06 de la CEMAC relative au Code de Transparence et de Bonne Gouvernance dans la Gestion des Finances Publiques notamment celles de la Section VII (1) relatives à l'information du public de son annexe[45]. A celle-ci s'ajoute les dispositions de l'article 47 alinéa 2 de loi du 18 janvier 2018 portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun. Ces dispositions posent ainsi de manière évidente le passé, le présent et l'avenir comme étant le champ temporel de réalisation de l'exigence d'information du public sur la gestion des finances publiques dans le pays.

De manière précise, il ressort que l'exigence d'information du public en droit budgétaire porte premièrement sur le passé de la gestion des deniers publics. C'est-à-dire sur l'ensemble des activités de gestion antérieures à ceux en cour ou d'actualisées ; ceci est rendu possible notamment par la constitution des archives nationale[46]. Deuxièmement, l'exigence d'information du public porte sur le présent des finances publiques. Ici il est question de l'information des individus sur l'ensemble des activités budgétaires et extrabudgétaires d'actualités où se déroulant dans le cadre de l'année budgétaire en cours. Et troisièmement, l'exigence d'information du public porte sur l'avenir des finances publiques. Il est question ici de dire que le public doit pouvoir être informé de la situation à venir des finances publiques, c'est-à-dire sur les projets à réaliser dans la gestion des fonds publiques. Cet énoncé temporel se présente ainsi comme un indicateur de la volonté du législateur camerounais de ne fermer aucune porte temporelle au droit d'accès du public à l'information sur la gestion budgétaire publique. Cependant il se pose la question de la nature de cette information.

2. Une information du public sur l'ensemble des activités budgétaires et extrabudgétaires

L'information du public en droit budgétaire camerounais porte sur l'ensemble des activités budgétaires et extrabudgétaires des entités publiques. C'est ce qui émane de l'analyse des dispositions normatives tant communautaires que nationales qui régissent la gestion des finances publiques au Cameroun.

Sur le plan communautaire, il est important de mentionner qu'en matière budgétaire, c'est dans le cadre de la CEMAC qu'ont été adoptées les principales règles applicables. En effet, le 19 décembre 2011, le Conseil des Ministres de cet organisme a adopté un ensemble de directives destinées à harmoniser la gestion des finances publiques en son sein. On note à cet effet le Code de transparence et de bonne gouvernance dans la gestion des finances publiques. Cette dernière consacre à travers son annexe, un

un media, à qui s'adresse un écrit, qui assistent à un spectacle (synonyme d'audience).

[42] L'article 49 al 1 de le loi n°90-52 du 19 décembre 1990 relative à la liberté de communication sociale, modifiée par la loi n° 96-04 du 04 janvier 1996 disposait que : « sauf disposition législatives ou règlementaires contraires, l'accès aux documents administratif est libre »

[43] GENEVOIS (B), « la jurisprudence du Conseil Constitutionnel est-elle imprévisible ? », Pouvoirs, n°59, 1991, pp. 137-138. Cité par Nkouayep LONG CHRIST, PAPY, « le droit à l'information du citoyen local en droit public financier camerounais, *RAFIP*, n° (3-4), 2018, p. 15.

[44] Cette directive a été internalisée par le Cameroun à travers la loi n°2018 /011 du 11 juillet 2018 portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun.

[45] « L'information doit être exhaustive et porter sur le passé, le présent et l'avenir et droit couvrir l'ensemble des activités budgétaires et extrabudgétaires ».

[46] Cf loi N° 2000/010 du19 décembre 2000 Régissant les archives au Cameroun.

ensemble de règles et principes devant garantir une véritable information du public[47]. De plus, cette annexe consacre d'ailleurs en sa section VII-1 le fait que ladite exigence d'information du public se doit de couvrir l'ensemble des activités budgétaires et extrabudgétaires des entités publiques. De plus, au niveau national la consécration de ce cadre matériel est principalement l'œuvre de la loi portant Code de transparence et de bonne gouvernance dans la gestion des finance publiques au Cameroun[48]. En effet, cette loi est le fruit du processus d'internationalisation des directives adoptées dans le cadre de la CEMAC. Cette loi dispose également que l'exigence d'information du public doit couvrir l'ensemble des activités budgétaires et extrabudgétaires liées aux finances publiques[49]. Dans le même ordre d'idées, l'exigence d'information du public sur l'ensemble des activités budgétaires et extrabudgétaires se voit également consacré à l'interne grâce à la loi portant Régime Financier de l'Etat et des Autres Entités Publiques[50]. A la suite de celle-ci, on peut ajouter le Code Général des Collectivités Territoriales Décentralisées[51] en matière de gouvernance locale.

L'analyse et l'interprétation des Textes sus évoqués fait ressortir d'une certaine manière une appréhension du contenu donné auxdites activités. Pour ce qui est de l'exigence d'information du public sur l'ensemble des activités budgétaires, il est question de la divulgation des données sur les grandes étapes de la procédure budgétaire. Il s'agit donc d'une exigence d'information portant premièrement sur l'ensemble des activités liées à l'élaboration du budget notamment, les activités liées à sa préparation et à son d'adoption. Deuxièmement, l'information sur les activités budgétaires concerne aussi l'étape de l'exécution du budget. Il est question ici d'une exigence d'information du public sur toutes les activités des administrations publiques qui rentre dans le maniement des fonds en vue de l'exécution du budget indifféremment du domaine. Troisièmement, cette exigence d'information du public doit être faite sur le résultat de l'exécution du budget ou encore la gestion comptable du budget. En claire, l'information du public sur l'ensemble des activités budgétaires au Cameroun renvoie à un partage des données sur tout le processus ayant trait à la conception, à l'exécution et aux résultats du budget des entités publiques. S'agissant de l'information du public sur les activités extrabudgétaires, il s'agit de la possibilité pour les populations de prendre connaissance de toute informations qui bien que se détachant du cadre budgétaire générale, sont en corrélation avec la gestion de la fortune publique. En effet, il peut s'agir de l'information du public sur le cadre économique général de l'Etat ou des autres entités publiques, sur la gestion de la dette externe et interne et dans une certaine mesure sur les enjeux économiques, sociaux et financiers du budget des entités publiques.

Par ailleurs, il faut noter les instruments juridiques qui consacrent ainsi l'exigence d'information du public sur l'ensemble des activités budgétaires et extrabudgétaires des entités publiques présente aussi la particularité de déterminé les modalités de ladite information.

B. *Une information du public sur la gestion budgétaire publique aux caractères déterminés*

Une opération aussi complexe que l'information du public en droit budgétaire doit être clairement consacrée. Cette complexité accru ressort du fait que sa réalisation met en exergue la volonté des pouvoirs publics d'être transparent dans leur gestion des ressources financières. Au Cameroun, cette exigence d'information du public se présente comme une exigence couvrant l'ensemble des activités budgétaires et extrabudgétaires et portant sur le passé, le présent et l'avenir des finances publiques. Dès lors, pour une meilleure mise en œuvre de cette exigence d'information, il ressort que cette dernière est obligatoire (1), et se doit d'être réalisé de façon régulière et exhaustive (2).

1. Une information obligatoire du public sur la gestion budgétaire

La gestion des deniers publics au Cameroun a la particularité de consacrés le caractère obligatoire de l'information du public en la matière. C'est dire quasi automatique de la satisfaction de cette l'exigence d'information. En effet, les plus communs de ces instruments font ressortir l'information sur la gestion budgétaire comme un devoir de publication des administrations publiques.

L'obligation de publication s'appréhende trivialement comme l'impératif de rendre public ou de rendre opposable au public. Elle attire de plus en plus l'intérêt des chercheurs car elle se présente comme le principal gage de transparence et par conséquent de bonne gouvernance administrative et financière. En effet, par cette obligation d'ouvrir l'accès à l'information aux populations pour que celles-ci puissent tenir les gouvernants en charge de la gestion des deniers publics et de l'exécution des politiques publiques. C'est d'ailleurs cet idéal que voudrait imposer les la plupart

[47] Section VII de la Directive N° 06/11-UEAC-190-CM-22 Relative au Code de transparence et de bonne gouvernance dans la gestion des finances publiques.

[48] Loi N° 2018/ 011 du 11 juillet 2018 portant Code de Transparence et de Bonne Gouvernance dans la Gestion des Finances Publiques au Cameroun.

[49] Article 2 du Chapitre VIII relative à l'information du public de la loi portant Code Transparence et de Bonne Gouvernance dans la Gestion des Finances publiques au Cameroun.

[50] Article 4 alinéa 9 de la loi N° 2018/012 du 11 juillet 2018 portant Régime Financier de l'Etat et des Autres Entités Publiques.

[51] Article 381 alinéa 1 Titre II Chapitre II du LIVRE CINQUIEME relative au régime financier des collectivités territoriales de la loi N° 2019/024 du 24 décembre 2019 portant Code General des Collectivités Territoriales Décentralisées.

des institutions internationales aux Etats africains en général et au Cameroun en particulier.

Dans le cadre communautaire, ici matérialisé par la CEMAC, l'obligation de publication des informations financières est consacrée principalement dans les directives du cadre harmonisé de gestion des finances publiques dans cette zone en particulier celle relative au Code de transparence et de bonne gouvernance dans la gestion des finances publiques. En effet, cette dernière met un accent particulier sur la publication par les administrations publiques des Operations budgétaire[52]. Elle consacre d'ailleurs à titre d'illustration le fait que l'administration doit publier les règles et principes qu'elle suit dans l'attribution des aides, subventions et transfères au bénéfice de toute personne privée[53] ou encore la mise en place des financements pour une dépense publique par une organisation internationale ou un Etat étranger[54].

Sur le plan national, on constate que les dispositions consacrant la satisfaction à l'initiative de l'administration de l'exigence d'information du public sur la gestion budgétaire n'étaient pas suffisamment existantes, du fait que les individus ne pouvaient pas accéder à l'information qu'à leur demande. Il faut tout de même mentionner qu'il y a une évolution depuis le début du processus de réforme des finances publiques entamée au Cameroun. En effet, il apparaît que cette réforme procède à une internalisation des normes communautaires en reprenant systématiquement les règles édictées au niveau communautaire d'une part, et en arrimant le régime financier des personnes morale de droit public[55] aux règles communautaires d'autre part. On peut également évoquer la réforme des marchés publics intervenue par le Décret n°2018/366 du 20 juin 2018 portant Code des Marches Publics. Ces Textes viennent non seulement innover, mais aussi renforcer le dispositif normatif compte tenu de la problématique de la publication des informations sur les finances publiques.

Dans le même sens, l'on peut constater que la loi portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun, en consacrant son chapitre 03 a l'information du public, réserve son article 05 au fait que la vente des biens publics doit être régulièrement portée à la connaissance du public[56], de même que les relations entre les administrations publiques et les entreprises publiques ou d'autres entités publiques[57]. Ces dispositions augurent ainsi l'existence de l'obligation de publication c'est-à-dire de la satisfaction à l'initiative de l'administration de l'exigence d'information du public sur la gestion des deniers publics.

Par ailleurs, l'obligation de publication des informations sur les finances publiques est aussi consacrée à travers la publicité du débat d'orientation budgétaire. En effet, le débat d'orientation budgétaire que le parlement organise chaque année pour examiner les documents de cadrage à moyen terme, la situation macro-économique et le rapport sur l'exécution du budget de l'exercice en cours est tenu en séance publique, mais sans vote[58]. Le citoyen peut ainsi suivre les discussions et mieux s'informer sur la situation budgétaire du pays. Ceci leur permet de disposer d'éléments supplémentaires pour pouvoir exercer à temps et en toute connaissance de cause un contrôle populaire de l'action publique. Ce qui, au cas où ils n'en sont pas satisfaits, n'a pas pour vocation d'empêcher ces individués de demander que leur soit communiqué des informations supplémentaires sur la gestion des finances publiques.

2. Une information régulière et exhaustive du public sur la gestion budgétaire

L'exégèse des dispositions législatives régissant la gestion budgétaire au Cameroun fait ressortir à suffisance l'importance de l'information du public. Il apparaît que cette dernière est un droit fondamental dévolu aux populations et se caractérisant par sa réalisation régulière et exhaustive.

La nécessité de la régularité de l'information du public sur la gestion de budgétaire publique au Cameroun se matérialise par sa consécration véritable et de son appréhension duale.

La régularité comme caractéristique de l'information du public est consacrée par le droit public financier à travers un ensemble de Texte d'origines diverse. En effet, sur le plan communautaire, le Code de transparence et de bonne gouvernance dans la gestion des finances publique précise que l'information du public sur la manipulation budgétaire doit se faire de manière régulière et ceci dans un souci pédagogique[59]. Dans le même ordre d'idées, plusieurs dispositions législatives nationales consacrent cette régularité. C'est le cas des articles 48 alinéa 01 et 04 alinéa 09

[52] Section I de l'annexe au Code de transparence et de bonne gouvernance dans la gestion des finances publiques dans la zone CEMAC.

[53] Section I (2) de l'annexe au Code de transparence et de bonne gouvernance dans la gestion des finances publiques dans les Etats de la CEMAC.

[54] Ibid.

[55] C'est le cas de loi du 11 juillet 2018 portant régime financier de l'Etat et des autres entités publiques.

[56] Cf. Article 5 alinéa 1 de la loi n° 2018 /011 du 11juillet 2018 portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun.

[57] Article 8 de la loi n°2018/012 du 11 juillet 2018 portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun.

[58] Article 11 al 2 de la loi n° 2018/012 du 11 juillet 2018, portant Régime Financier de l'Etat et des Autres Entités Publiques.

[59] Il s'agit de la Section VII (4) de l'annexe relative à L'information du public de la Directive N⁰06 / 11- UEAC-190-CM-22 Portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques élaboré dans le cadre de la CEMAC en 2011.

respectivement de la loi portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun et de la loi portant régime financier de l'Etat et des autres entités publiques. En fait, ces dispositions posent de manière assez évidentes la nécessité du caractère régulier de l'information du public en matière de gestion budgétaire publique ceci dans une optique pédagogique, en vue d'objectivité voir de transparence.

S'agissant de l'appréhension de régularité de l'information du public en droit budgétaire camerounais, il se dégage une appréhension duale par le droit en générale. En effet, la régularité est une notion tirée du latin « *regularis* » et se définit au sens général comme la conformité à la règle, c'est-à-dire la qualité de ce qui est conforme au Droit, spécialement aux exigences de forme (validité, légalité, licéité et légitimité)[60]. Bien plus, comme le caractère de ce qui est constant dans sa périodicité. Autrement dit comme le caractère de ce qui n'est pas occasionnel mais habituel ou encore qui se déroule à intervalles égaux[61].

Rapporté à l'information du public sur la gestion budgétaire publique, il apparaît qu'elle doit d'abord se faire de manière à respecter le principe de légalité. En effet, l'interprétation des dispositions qui consacrent la régularité dans information du public fait ressortir le fait que cette dernière doit être réalisée dans le respect des instruments relatifs au fonctionnent de l'Etat, notamment, la constitution, les Traites et Accords internationaux, les lois et règlements ainsi que les principes généraux de droit. En suite l'information du public droit être opérationnalisée de façon continue, c'est à dire sans interruption. Il est impératif que le public puisse accéder à l'information en permanence afin d'exercer éventuellement de manière efficace un véritable contrôle populaire sur la gestion des finances publiques. Ce faisant, cette information pour être effective, doit être acquise de façon exhaustive.

L'obligation d'exhaustivité dans l'information du public sur la gestion budgétaire est ce qui ressort de la lecture des dispositions de la directive adoptée dans le cadre de la CEMAC relatives au Code de transparence et de bonne gouvernance dans la gestion des finances publiques. Cette dernière consacre de manière évidente la nécessité d'une exhaustivité dans le partage des informations sur la gestion des deniers publics[62].

De même, sur le plan national le caractère exhaustif de l'information du public est formalisé à travers la loi portant Code de transparence et de bonne gouvernance dans la gestion des finances publiques. Cette dernière insiste sur la nécessité d'une information exhaustive du public dans le cadre de la publication des information financières publiques par l'administration qui en a la charge[63].

Par ailleurs, s'agissant de la signification de la notion d'exhaustivité, il ressort aussi bien de l'interprétation des dispositions juridiques communautaires que nationales que cette notion peut être appréhendée de façon diverse. En effet, dans l'optique de l'information du public en droit budgétaire camerounais, il apparaît premièrement une nécessité d'exhaustivité des informations ou des connaissances à partager. Il s'agit dans ce sens que les informations à divulguer épuise le sujet concerné, c'est-à-dire qu'elles les traitent de manière complète. En d'autres termes, lesdites informations doivent comporter tous les éléments nécessaires à leur compréhension. En claire, il faut que les connaissances à partager soient complètes, c'est-à-dire qu'elles doivent constituées un ensemble achevé et de qualité. De plus, en droit budgétaire camerounais, la notion d'exhaustivité renvoie aussi à une exhaustivité dans la forme de divulgations des informations financières publiques. En effet l'esprit des dispositions élaborées aussi bien dans le cadre de la CEMAC que de l'Etat du Cameroun font ressortir l'idée d'une exhaustivité dans le partage des informations. C'est dire de manière générale que l'information sur la gestion des deniers publics doit se faire aussi bien de manière écrite qu'orale pour être véritablement effective. En d'autres termes, l'exhaustivité dans le partage des informations budgétaire émane du fait qu'elle peut être divulguée ou obtenue aussi bien par voie écrite, c'est à dire sous forme de document administratif, que par voie orale, c'est-à-dire même s'il n'existe aucun support leur servant de contenant.

L'obligatoriété, la régularité et l'exhaustivité constitue donc des caractères qui démontrent dans une certaine mesure la reconnaissance d'une véritable information du public en matière budgétaire au Cameroun. Même si la réalisation de cette dernière ne constitue qu'un élément du contenu du principe de transparence et de bonne gouvernance financière. Toute chose qui justifie l'adjonction d'un contrôle de la gestion budgétaire multiforme.

II. Un Contrôle de la Gestion Budgetaire Publique

Le contrôle[64] de la gestion budgétaire est plus que jamais un gage de transparence et de bonne

[60] CORNU (G), *Vocabulaire juridique*, PUF, 2018, « Régularité », p. 1869.
[61] Ibid.
[62] Section VII (1) de l'annexe a la Directive n° 06 / 11-UEAC-190-CM-22 Relative au Code de transparence et de bonne gouvernance dans la gestion des finances publiques.
[63] Article 47 alinéa 02 de la loi N° 2018/011 du 11 juillet 2018 portant Code de Transparence et de bonne gouvernance dans la gestion des finances publiques au Cameroun.
[64] Etymologiquement, contrôle vient de « contre » et « rôle » ; le rôle étant en principe un registre qui est tenu doublement, l'un sert à vérifier l'autre. Vérifier étant l'action de s'assurer de la valeur d'une chose, « contrôler » renverrait plus loin et précisément au plan Juridique à la maitrise exercée sur la gestion d'une entreprise ou d'un organisme. C'est donc une action qui visant non seulement la

gouvernance en droit budgétaires camerounais. Comme le dit une doctrine pertinente en la matière « *laisser les recettes et les dépenses publiques à la merci des organes qui président à leur détermination et à leur exécution est une attitude dangereuse pour la collectivité publique* »[65]. En effet, cela résulte des multiples contraintes qui pèsent sur les pouvoirs publics les obligeant ainsi à faire preuve de vigilance dans la manipulation des deniers publics. Dès lors, le Cameroun ayant choisi le chemin d'une gestion performante de ses finances publiques, les contrôles de toute nature apparaissent alors plus qu'important pour la garantie de la régularité et de la qualité des prestations publiques. Ces derniers revêtent ainsi dans le cas d'espèce aussi bien une nature administrative (A) qu'une nature dont il nous paraît opportun de qualifier de non administrative (B).

A. *Un contrôle administratif de la gestion budgétaire publique*

La conceptualisation du principe de transparence et de bonne gouvernance dans le droit budgétaire camerounais fait ressortir une importance capitale du contrôle administratif pour une gestion efficace des finances des personnes publiques. Ce contrôle qui irradie l'ensemble du processus budgétaire revêt aussi bien une nature interne qu'une nature externe à l'administration (1) tout en prenant des formes multiples (2) et une double nature (3).

1. Un contrôle administratif interne et externe de la gestion budgétaire

Le principe de transparence et de bonne gouvernance se traduit également dans le droit budgétaire camerounais par un contrôle administratif interne et externe. Le contrôle interne est celui exerce par l'Administration sur ses propres agents[66]. Il consiste en « *une activité permettant aux services spécialisés du pouvoir exécutif de s'assurer du respect de la régularité des opérations budgétaires, financières et du patrimoine de l'Etat, d'évaluer la performance des administrations et de prévenir les risques de toute nature* »[67]. Ces contrôles, bien qu'existant dans l'ordre positif camerounais, ne sont pas forcément efficace[68], car la distraction des deniers publics va grandissante. Le dernier rapport de la chambre des Comptes sur la gestion des fonds de la pandémique de la Covid_19 en est très révélateur. Les contrôles administratifs internes peuvent être d'ordre hiérarchique ou financier. Le contrôle interne, parce qu'il se déroule au sein d'une institution, regroupe plusieurs acteurs du processus financier de l'Etat à savoir : L'ordonnateur, le comptable public, le contrôleur financier, le responsable de programme, et même le contrôleur technique dans le cadre du contrôle des investissements publics. Ainsi qualifié, il serait important de s'interroger sur le rôle des acteurs et des différents services intervenant dans la chaine du contrôle interne administratif. Dans le cadre de ce contrôle, on retrouve plusieurs organes tels que le Ministre des finances, acteur donc les pouvoirs ont été altérés par l'avènement de la loi n° 2018/012.[69].

D'autre part, le contrôle externe est une fonction à part entière dans la nomenclature des activités administratives. Elle revêt un caractère particulier car il ne vise aucunement la satisfaction de l'intérêt général tel que conçu traditionnellement. En effet, ce contrôle couvre les actes portant examen et vérification de l'action financière en rapport avec les risques que l'on souhaite maitriser.

Toutefois, une définition tranchée de cette notion n'est pas encore possible, tellement l'ambigüité est grande à cause de ses imprécisions[70], ce qui entraine des définitions très souvent insatisfaisantes. Il faut alors l'appliquer au cas d'espèce et de procéder par la méthode hypothétique afin de dégager une esquisse de définition qui satisferait au contexte du droit budgétaire qui est étudié ici. Ainsi, dans le cadre de la présente étude, il faut envisager le contrôle externe administratif comme étant la vérification effectuée par des services spécialisés sar la gestion financière au sein des institutions ou des ministères. Dans le cadre de ce contrôle, plusieurs structures sont notamment impliquées au premier rang desquelles se trouve entre autres le contrôle supérieur de l'Etat (CONSUPE).

2. Un contrôle administratif multiforme de la gestion budgétaire

Sur ce point, indiquons que dans l'optique de suivre parallèlement l'exécution des programmes, le contrôle administratif implique une certaine

prévention des dérives mais aussi la sanction en cas d'accomplissement de pratiques contraires à la loi. IL procède donc de la vérification ou de l'inspection. Selon Sébastien Kott, le contrôle revêt une signification pratique forte : il s'agit d'une méthode de vérification et de validation des comptes. Dans le contexte de cette étude, le contrôle renvoie à la maitrise, à l'évaluation mais, encore et surtout à la compréhension anglo-saxonne renvoyant le contrôle à l'audit ; Elle interpelle donc le sens auditif et consiste aux enquêtes, aux auditions, à l'écoute des différents intervenants de ce circuit.

[65] BILOUNGA (S.Th), *FINANCES PUBLIQUES CAMEROUNAISES Budgets-Impôts-Douanes-Comptabilité publique,* op.cit., p.183.

[66] MOR (F). IBRAHIMA (T). *Finances publiques*, l'Harmattan Sénégal, 2018, p. 247.

[67] Article 2 du décret N"2013/159 du 15/0512013 fixant le régime particulier du contr6le administratif des finances publiques.

[68] LEKENE DONF ACK (E), *Finances publiques camerounaises*, Berger Levrault, Paris, 1987, p. 299.

[69] L'article 45 de la loi N°2007/006 du 2611212007 dispose que : « Le ministre charge des finances veille à la bonne exécution des lois de finances », par contre, l' article 63(1) de la loi N°20 18/0 12 dispose que: « Le ministre charge des finances est responsable; en liaison avec les ministres sectoriels, de la bonne exécution de la loi des finances et du respect des soldes budgétaires définis en application de l'article 13 de la présente loi (...) » : Il s'agit de l'application technique du budget en fonction de chaque chapitre ministériel.

[70] Voir à ce sujet AUBY (J-M), RIVERO (J.), VEDEL (G.) et al. *Traité de science administrative*, Paris, Mouton et Co., 1966.

planification ou prévisibilité des diverses opérations. Or, la prévisibilité, d'ailleurs normative, pourrait laisser le soin aux structures contrôlées de mouler voire de masquer les faiblesses de la chaine de décisions, et notamment des états financiers répondant provisoirement aux enquêtes de terrain. Pour cela, il est donc opportun que les contrôles soient fortuits (imprévisibles), dans le but de surprendre les administrations. Cela aurait pour effet de maintenir les Administrations en alerte maximale, et de garantir les bonnes pratiques au sein des structures de décisions et maintenir à flot la transparence financière. Alors, la reddition des comptes faite à travers les rapports qui révèlent « *l'exactitude* »[71] de ceux-ci, détermine l'orientation des décisions relatives à la loi des finances, Cette évaluation est donc planifiée de manière périodique à travers des contrôles sur place et sur pièces d'une part, et des contrôles *à priori,* concomitant et *à posteriori* d'autre part. Toutefois, il faut souligner que si l'on voudrait faire une appréciation normative de ces contrôles planifiés, on se heurtera au silence des nonnes, car la périodicité des contrôles sur place n'est pas clairement établie par les textes. Il peut alors s'effectuer par des tournées inopinées. Et, sans pouvoir de décision, ils sont tenus de transmettre toute irrégularité relevée au MINFI dont les rapports seront relayés à la Présidence de la République et aux services du Premier Ministre[72]. Le contrôle sur pièce correspond à l'apurement des comptes, car il s'opère sur les actes juridiques et comptables de l'Administration. Concernant le MINFI, les délais de traitement des dossiers dans les contrôles financiers et les agences comptables sont de 72h au maximum[73] pour ce qui est des organismes subventionnes. Il est rattaché au contrôle *a priori,* puisque la validation d'un acte relatif à l'exécution d'une dépense vaut paiement, fusse-t- il régulier ou pas. Ce contrôle porte donc sur les décisions relatives à l'engagement et à l'ordonnancement, et il faut encore préciser que l'agent de contrôle n'est pas forcément le supérieur hiérarchique de l'agent contrôlé. En outre, l'apparition de nouveaux risques sociaux et la volonté d'en éliminer les conséquences négatives, confère une importance particulière à l'anticipation du risque afin d'éviter sa réalisation. Le progrès juridique modifie l'équilibre entre risques et incertitudes, et permet par conséquent le développement de sa prévention. Ainsi, le Ministre chargé des finances, dans sa circulaire relative aux modalités d'exécution du budget, décrit l'action spécifique des missions d'audit qui consistent à vérifier, à l'effet de prévenir, d'évaluer et de maitriser les risques dans toutes les Administrations publiques et parapubliques.

A cet effet, elles procèdent à l'audit des systèmes et des procédures de gestion, ainsi qu'à la mesure de l'efficacité, de l'efficience et de la pertinence de la dépense publique. Qu'en est-il des types de contrôles exerces au sein de l'Administration ?

3. Un contrôle administratif financier et non financier de la gestion budgétaire

S'agissant du contenu du contrôle, notons que lorsqu'on examine le contrôle administratif de façon sommaire, on fait allusion au noyau de l'Administration publique essentiellement, mais non exclusivement, car il n'est pas question d'exclure les institutions de l'Administration décentralisée (tant sur le plan technique que sur le plan géographique). Ainsi, on verra que le contrôle interne de l'administration est dual : On note la présence d'un *contrôle non financier* et d'un *contrôle financier.*

Le contrôle financier rassemble le contrôle de régularité, le contrôle de performance. Le contrôle de régularité, comme il a été relevé plus haut est de type préventif. Il n'a pas pour but de ressortir l'efficacité de la dépense, bien qu'il s'effectue sur les actes de l'ordonnateur et du comptable public : C'est un contrôle *a priori* qui consiste à « Vérifier » la conformité à 1a réglementation des projets d'actes juridiques relatifs aux finances, ainsi que la régularité ou le respect des normes relatives à toutes opération budgétaire et financière au moment du paiement.

Le contrôle de performance quant à lui est une activité permettant de s'assurer de la réalisation des objectifs avec efficacité, efficience et économie, sur la base d'indicateurs prédéfinis, après mise en œuvre des stratégies, des programmes et des actions de l'Administration avec l'allocation conséquente des ressources publiques, Il permet d'évaluer les réalisations de l'Administration à travers un référentiel de base.

A côté des contrôles non financier, nous avons le contrôle financier. Il faut entendre par le terme « *contrôle financier* », l'ensemble des contrôles qui rentrent dans l'aspect matériel des finances publiques à savoir: le contrôle du système budgétaire, de la comptabilité publique, de la gestion de trésorerie, et du système de paiement[74]. Les modalités du contrôle financier consistent à examiner, avant le début de l'année budgétaire, les documents prévisionnels de gestion au regard de leur soutenabilité budgétaire appréciée sur la base de la couverture des dépenses obligatoires et inéluctables; contrôler, soit au moyen d'un visa, soit d'un avis préalable, les actes de dépense les plus importants, sur la base de critères budgétaires

[71] GWOS (I-I), *L 'encadrement juridique du contentieux de la sincérité des comptes au Cameroun,* Mémoire de Master II en Droit Public, Université de Yaoundé II, année académique 2013-2014, 132p.

[72] Article 709 de la circulaire 001/C/MINFI du 28/12/2016 portant instructions relatives à l' exécution des lois de finances, au suivi et au contrôle de l'exécution du budget de l 'Etat, des établissements publics administratifs, des collectivités territoriales décentralisées et autres organismes subventionnes, pour l'exercice 2017.

[73] Ibid., article 801.

[74] COHEN (A-G), *La Nouvelle Gestion Publique*, 3e édition, Lextenso, 2012, pp. 97 et s.

et non plus réglementaires; suivre l'exécution budgétaire, afin d'alerter le gestionnaire et la direction du budget de l'existence des risques budgétaires; donner un avis sur le redéploiement des crédits en cours de gestion, En effet, Le contrôle financier est régi au Cameroun par le décret n° 77/41 du 03 février 1977 fixant les attributions et l'organisation des contrôles financiers. Malgré le vent des reformes, ce texte est resté en vigueur, Cependant, il faudrait considérer que « *les mutations contemporaines du droit public reflètent* (...) *La réalité d'une gouvernance publique animée par un élargissement des objectifs et des moyens* »[75]. Cela justifie à plusieurs égards l'institution des contrôle juridictionnel et politique de la gestion budgétaire publiques.

B. *Un contrôle non administratif de la gestion budgétaire publique*

Elément fondamentale pour la réalisation d'une véritable lisibilité et une reddition des comptes effective dans le maniement des deniers publics, le contrôle parlementaire (1) et le contrôle juridictionnel (2) de la gestion budgétaire, réuni dans cette étude sous le vocable de contrôle non administratif, se présente comme incontournable au sein de l'étude de la consistance du principe de transparence et de bonne gouvernance dans le droit budgétaire camerounais.

1. Un contrôle parlementaire de la gestion budgétaire

L'analyse de l'activité du Parlement laisse entrevoir l 'idée d'un "*réel*" contrepouvoir. En principe, le Parlement dans ses fonctions existe pour recadrer l'action de l'exécutif. C'est fort de cela que le législateur a prévu que celui-ci puisse opérer des investigations, dans l'optique de mieux s'informer afin d'accorder ou non sa confiance à l'action du Gouvernement. Si l'on se convint du coefficient de légitimité élevé des organes législatifs en Afrique en général, et au Cameroun en particulier, on doit pouvoir justifier que ceux-ci disposent d'un contre-pouvoir bien réel. La réalité ici se matérialise par la mise en œuvre évidente du contrôle que cette institution doit jouer sur l'action de l'exécutif. Le Parlement justifierait par là même son utilité[76] et sa légitimité, il affirmerait là aussi son autorité constitutionnelle, tout en remettant en question l'idée selon laquelle il serait une « coquille vide ». En effet, les autorisations budgétaires sont alloués à l'exécutif par le Parlement en sept (07) titres budgétaires suivant le principe de la spécialité, On distingue alors les dotations des pouvoirs publics (Présidence, Assemble Nationale, Senat ...), les dépenses de personnel, les dépenses de fonctionnement, le service de la dette, les dépenses d'investissement, les transferts et toute autre opérations financières, Seulement, cette ligne d'allocation des crédits budgétaires n'est pas rectiligne, ceci dans la mesure on le principe de fongibilité, intervenant lors de l'exécution du budget, permet des transferts vers d'autres lignes qu'au départ.

Ainsi, dans l'optique de veiller au respect de l'utilisation transparente des fonds publics, le Parlement est habilité à procéder par tous les moyens légaux qui lui sont reconnus pour obtenir des informations y afférentes. Alors, en plus de procédé par la voie des questions orales et écrites, des Commissions parlementaires peuvent être mises sur pied. Celles-ci sont chargées de recueillir des éléments d'intonation sur des faits détermines et soumettre leurs conclusions à l'Assemble Nationale, examiner la gestion administrative financière ou technique des services publics[77]. Elles voient le jour uniquement lorsqu'aucune poursuite judiciaire liée aux questions faisant l'objet d'enquête n'est ouverte ou en cours. Pour s'assurer de l'impartialité des investigations, les membres des Commissions d'enquête parlementaires sont élus au scrutin majoritaire à un tour. Cela suppose que leur mandat soit temporaire, puisque leur mission prend fin avec le dépôt de leur rapport devant l'Assemble Nationale.

Toutefois, la transparence des investigations menées par ces Commissions est partielle et contestable. En effet, leurs travaux « *sont tenus au secret* » dit d'Etat. Du coup, cela amène à se poser la question de savoir si les questions financières dans leur généralité relèvent du secret d'Etat ? Sont-elles assimilables au secret-défense ? Ces questions nous semblent tout à fait légitime, car le Législateur a tout de suite fait de se contredire en reconnaissant une possible publication des rapports d'enquête, sur proposition du Président de la Commission ou de la Commission en elle-même. Le secret des procédures d'investigation peut être justifié par la nécessite de vouloir punir et donc d'arriver à de possibles sanctions judiciaires. Or, comme nous l'avons relevé plus haut, la bonne administration de la justice et le secret qui entoure l'enquête à travers la recherche de la « *bonne preuve* » n'entrave en rien la « *prudente recherche de la justice* ».

Dans le même sens, le contrôle parlementaire de la gestion budgétaire est aussi matérialisé par l'avènement du débat d'orientation budgétaire[78] qui se présente ici comme un moment charnière du processus budgétaire en permettant au parlement d'effectuer des amendements sur la proposition de budget déposé par le parlement. A côté du débat d'orientation budgétaire, l'on peut également mettre en avant la ratification de la

[75] MOCKLE (D.), *La gouvernance, le droit et l'Etat*, Bruylant, 2007, p. 253.

[76] SINDJOUN (L.), « L'action internationale de l'Assemblée nationale du Cameroun. Eléments d'analyse politiste », *Etudes internationales*, Vol. 24, n° 4, 1993, p. 813.

[77] Article 86 ali.5 de la loi portant Règlement Intérieur de l'Assemblée Nationale.

[78] Voir à ce sujet WANGSO TCHOBWE (D), *Le débat d'orientation budgétaire en droit camerounais*, Mémoire de Master II recherche, FSJP, Université de Ngaoundéré, 2018-2019.

loi de règlement financière comme moyen de contrôle parlementaire de la gestion budgétaire étatique. Il est important de préciser que ce contrôle se voit réalisé par les organes délibératifs des diverses collectivités territoriales décentralisés lorsqu'on se réfère à la gouvernance budgétaire locale. Qu'à cela ne tienne, il ne faudrait pas ignorer que le Parlement est un organe extrêmement politisé, et donc toutes ses actions, sinon la majorité, sont motivé par des orientations politiques.

C'est alors ce qui justifie d'avantage que les projets de lois de finances soient initiés par l'exécutif. Celui-ci saisit le Parlement dans les limites fixées par la loi pour lui soumettre l'évaluation des recettes et des dépenses contenues dans le budget général, préalablement reparties par programmes au sein des ministères. Pour cela les recettes doivent être équilibrées aux dépenses, et les propositions de loi et amendements qui tendraient soit à diminuer les ressources publiques, soit à aggraver les charges publiques sans réduction d'autres dépenses ou création de recettes nouvelles d'égale importance, sont irrecevables. Le budget est voté par l'Assemble Nationale après les débats[79] et les séances plénières, pendant lesquelles le parlement aura été tenu d'être informé sur les détails de tous les programmes opérationnels et sectoriels qui le permettraient d'autoriser le déclenchement de la dépense publique. Le processus de naissance d'une loi au Cameroun, et notamment le budget, traduit clairement la relation particulière qui lie le Parlement et l'Exécutif. Car, c'est ce-dernier qui promulgue la loi, Ainsi, par le décret de promulgation, le Président de la République atteste officiellement et formellement l'existence d'une loi de finances (budget) en lui donnant tous ses effets. Le rôle joué par le Parlement dans l'adoption du budget traduit dans une certaine mesure, la marche vers un Etat de droit avéré.

2. Un contrôle juridictionnel de la gestion budgétaire

Avant de présenter l'office proprement dit du juge dans le contrôle, il convient de dresser un arrière-plan sur la typologie financière contentieuse.

Concernant le premier élément, notons que le « *juge financier* », de par sa spécialité est appelé à se différencier du juge administratif, même si à la base le *process* est identique, Toutefois, dans un souci de bonne administration de la justice[80], il faut relever que cette dernière « *s'accommode mal d'un juge qui n'a pas la qualification adéquate pour statuer sur le litige qui lui est soumis* (...) »[81]. Pour ce faire, au regard de la diversité des questions financières qui existent, il est légitime de recenser quatre (04) types de contentieux financiers à savoir: *Le contentieux budgétaire ou de l'ordonnancement, le contentieux fiscal, le contentieux des Comptes et le contentieux de la répression pénale* en matière financière, qui en est le dernier né. La technicité de ces questions renforce la spécialité du contentieux financier et plaide en faveur de la construction d'un ordre juridictionnel financier déduit de l'ordre administratif.

Sur le second élément, notons comme le pense Philippe SEGUIN que « *tous ceux qui s'intéressent aux finances publiques savent que c'est un univers ou l'on voit la vertu la plus intransigeante côtoyer les manipulations les moins orthodoxes. C'est une grande force des juridictions financières que de pouvoir exercer, quand il le faut, un pouvoir juridictionnel capable de sanctionner les acteurs publics responsables de contrôles défaillants, de gestions hasardeuses ou irrégulières* »[82]. L'office du juge en matière financière consiste donc normalement dans la sanction. Mais celle-ci n'est pas facilement opératoire, malgré les innovations du renouveau financier de 2018. En effet, ce dernier fait de l'Independence et de l'autonomie de la juridiction financière une condition de l'efficacité de l'exercice de son pouvoir financier[83]. Dès lors, Le contrôle juridictionnel de la gestion budgétaire est au Cameroun principalement l'œuvre de la chambre des comptes de la cour suprême[84]. Ce contrôle revêt ainsi une double forme à savoir un contrôle administratif lorsque la juridiction contrôle la gestion des entités publiques et un jugement des comptes et des gestionnaires de crédits lorsque le contrôle est sanctionné par une décision revêtue de l'autorité de chose jugée[85].

La juridiction financière au Cameroun se voit exercer un contrôle administratif de la gestion budgétaire publique lorsqu'elle apporte son assistance au parlement dans le contrôle de l'exécution des lois de finances[86]. Elle est par ailleurs en charge de la certification de la régularité, de la sincérité et de la fidélité du compte générale de l'Etat et des collectivités territoriales[87]. Toute chose au demeurant qui débouche

[79] Chapitre IX de la loi portant Règlement Intérieur de l'Assemblée Nationale.

[80] FERMOSE (J), « La bonne Administration de la justice fiscale au Cameroun », in *Global journal of human-social Science*, Vol. 21, 2021, 14P.

[81] ABANE ENGOLO (P-E), « Pour un ordre juridictionnel financier », in MEDE Nicaise, *Les nouveaux chantiers des finances publiques en Afrique*, Mélange en l'honneur de BOUVIER Michel, l'Harmattan, 2019, p. 330.

[82] SEGUIN (Ph), « Les juridictions financières dans la modernisation de la gestion publique », Revue Française de Droit Administratif, 2007, p. 437.

[83] MONGBAT (A), « Les innovations dans la gestion et la gouvernance des finances publiques des Etats de l'Afrique francophone subsaharienne : le cas du Cameroun, *RAFIP*, n°11, 2022, p.133.

[84] Voir sur le sujet la loi du 21 avril 2003 fixant les attributions, l'organisation et le fonctionnement de la chambre des comptes de la cour suprême.

[85] MONGBAT (A), « Les innovations dans la gestion et la gouvernance des finances publiques des Etats de l'Afrique francophone subsaharienne : le cas du Cameroun, op.cit.

[86] Article 86 ali.3 de la loi n° 2018/012 au Cameroun.

[87] Ibid.

sur la production d'un rapport de certification. En plus de ces missions de contrôle administratif, la juridiction financière assure également une mission managériale notamment celle « d'évaluer *l'économie, l'efficacité et l'efficience de l'emploi des fonds publics au regard des objectifs fixés, des moyens utilisés et des résultats obtenus ainsi que la pertinence et la fiabilité des méthodes, indicateurs et donnée permettant de mesurer la performance des politiques et administrations publiques* »[88]. Bien plus, la juridiction financière ce voit reconnaitre dans le droit budgétaire camerounais comme une véritable force de proposition et de concrétisation du principe de transparence financier et ce à travers la production de rapport qui au demeurant se voilent publiés et surtout transmis au président de la république, au parlement et au gouvernement.

S'agissant du jugement des gestionnaire de crédit et de leurs comptes[89], il s'agit d'un office partant sur le jugement des ordonnateurs, des constables publics et des contrôleurs financiers dans les cas où ces derniers se rendraient coupable d'une faute de gestion[90]. C'est de ce fait que la responsabilité financière des ordonnateurs peut être engagée devant la juridiction pour faute de gestion dont on sait qu'avec les mutations du droit public financier, elle ne se limite plus seulement à la violation de la loi sans préjudice financier, mais aussi à « un *déficit de performance doublé d'un préjudice financier* »[91]. De plus, la juridiction financière se présente comme une véritable gardienne de la gestion budgétaire camerounaise car elle est également en charge du contrôle de la légalité financière et de la conformité budgétaire de l'ensemble des opérations de recettes et de dépenses réalisées. Cette compétence lui confère ainsi la capacité de constater les irrégularités existantes et de fixer le cas échéant le montant du préjudice qui en résulte pour l'Etat.[92] De ce fait, Le contrôle juridictionnel de la gestion budgétaire se présente donc comme un véritable gage de la matérialisation du principe de transparence et de bonne gouvernance en droit budgétaire. Même s'il faut dire que sa réalisation effective reste toujours questionnable au regard de l'architecture actuelle de la juridiction financière dans notre pays[93].

III. Conclusion

En somme, l'étude de la consistance du principe de transparence et de bonne gouvernance dans le droit budgétaire camerounais suscite beaucoup d'intérêt au regard des évolutions législatives récentes qui font de lui un principe d'information du public et de contrôle dans la gestion des budgets publics à l'application obligatoire pour les administrations publiques. L'introduction dans le jargon financier d'une expression comme la nouvelle gouvernance financière publique[94] met ainsi en évidence la nécessité de démocratisation, qui suppose une lisibilité réelle par l'information et le contrôle. C'est pour cette raison qu'il est désormais fait obligation aux Agents publics d'informer les populations sur la gestion des fonds publics. Cela peut se justifier par le fait que *« les finances publiques sont l'élément le plus important de la chose publique »*[95]. Il ressort donc que le principe de transparence et de bonne gouvernance en droit budgétaire camerounais consiste en une libéralisation de la gestion budgétaire.

En claire la transparence et la bonne gouvernance renvoie à la fois à une matière et à un comportement qui qualifie les valeurs de la vie sociale. Il met de ce fait en avant la substance et la procédure. A une procédure dans la mesure où, ainsi que le précise la déclaration des droits de l'homme et du citoyen en son article 14 « *tous les citoyens ont le droit de constater par eux même ou par leurs représentants, la nécessité de la contribution publiques, d'en consentir librement et d'en suivre l'emploi et d'en déterminer la quotité, l'assiette, le recouvrement et la durée* ». Il a du sens en dépit d'une relative imprécision juridique, laquelle n'est que le reflet de son caractère relativement subjectif. La participation qu'elle implique peut devenir vectrice de toutes les manipulations. Ainsi, ce principe véhicule *« une manière d'être qui n'offre pas la réalité juridique telle que sa cohérence la présuppose, telle qu'elle est mise en forme techniquement, telle qu'elle est habituellement reçue »*[96]. Des lors, le principe de transparence et de bonne gouvernance budgétaire se présente comme un principe « *entièrement à part mais pas fondamentalement autonome* ».

[88] Article 86 ali.3 de la loi n° 2018/012 au Cameroun.
[89] Article 85 ali.3 de la loi n°2018/012 au Cameroun.
[90] L'alinéa 1 de l'article 88 de la loi de n° 2018/012 dispose que : « est considéré comme faute de gestion tout acte, omission ou négligence commis par tout agent de l'Etat, d'une collectivité territoriale décentralisée ou d'une entité publique, par tout représentant, administrateur ou agent d'organisme, manifestement contraire à l'intérêt générale ».
[91] MEDE (N), « faute de gestion et gestion de la faute en Afrique de l'Ouest francophone : comment préserver la sécurité juridique des justiciable », *RFFP*, n°157, 2022, pp.3-7 ;
[92]Article 86 ali.3 de la loi n° 2018/012 au Cameroun.
[93] Voir à ce sujet BANKOUE (G.K), « L'indépendance de la chambre des comptes de la cour suprême du Cameroun », *RADSP*, vol. IX, n°24, 2021, pp.373-403.
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Nuclear-Powered Submarines and the Global Nuclear Order

By Marcos Valle Machado da Silva

Abstract- The nuclear propulsion of submarines has never been raised as a source of controversy since the countries operating nuclear-powered submarines are only the five Nuclear-Weapon States recognized in the NPT, plus India, which is not a signatory to the NPT. However, with the advancement of the Brazilian nuclear-powered submarine program and the announcement that Australia will operate and develop nuclear-powered submarines, this issue has become a hot spot on the non-proliferation agenda. In this context, two questions arise: What are the perceptions of the main actors involved with the issue of nuclear energy use for the propulsion of submarines of Non-nuclear Weapon States? What are the impacts of these perceptions on the global nuclear order? This article argues that a new normative inequality would be in the formation process, in which there would be the "have" and "have-not" users of nuclear energy for the propulsion of submarines.

Keywords: *global nuclear order. non-proliferation. nuclear-powered submarines.*

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I. Introduction

The issue of nuclear material as fuel for the propulsion of submarines, ships, and other military platforms is not subject to a ban or prohibition of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). This issue has never been raised as a source of great controversy since the countries operating nuclear-powered submarines are only the five Nuclear-Weapon States (NWS) recognized in the NPT[1], plus India, which is not a signatory to the NPT. However, with the advancement of the Brazilian nuclear submarine program – albeit with slow progress, Brazil is the only Non-nuclear Weapon State (NNWS) developing an autochthonous conventionally-armed and nuclear-powered submarine, that is, an SSN[2] – and the announcement that Australia will operate and develop an SSN program, this issue has become a hot spot on the non-proliferation agenda. Furthermore, other countries have stated the intention to develop SSN programs – the Republic of Korea (RoK) and Iran – or have already expressed that will in the past – the Canada case. In addition, some countries – such as Japan – have the technology for this, and due to changes in their regional security environment, they may choose to develop this type of weapon system (Silva 2023).

The issue started taking more space in the non-proliferation agenda from 2008 onwards when the Brazilian nuclear-powered submarine program gained momentum. It appeared to be a lonely Non-nuclear Weapon State initiative to develop an indigenous SSN. In addition, despite being publicized, the program made slow progress and suffered successive postponements. Scheduled to be released in 2023 (Defesanet 2014), this date was changed to 2029 (Brazil 2018, p. 37), and the currently scheduled date became 2033 (Brazil 2023).

However, the Brazilian program opened the door to criticism from the perception that nuclear power for military craft propulsion is a gap in the nuclear weapons non-proliferation regime (see Rockwood, 2017; Thielmann & Hoffman, 2012; and Thielmann & Vergantini, 2013). On the other hand, some (few) voices point out that the issue should not be exaggerated with statements that point to the impossibility of safeguarding the nuclear fuel of an SSN (see Carlson 2021).

Nevertheless, the Australian program raised the discussion on the use of nuclear energy for submarine propulsion by the NNWS to another level of tension in the non-proliferation agenda. Australia – within the framework of the Australia, United Kingdom, and United States of America (AUKUS) strategic partnership – will operate SSNs coming from the United States (USA) and develop an SSN with the support of the United Kingdom (UK).

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[1] According to Article IX, item 3 of the NPT, "a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967". Therefore, USA, Soviet Union (now Russia), United Kingdom, France and China are the Nuclear-Weapon States recognised by NPT (See UNODA. *NPT, Text of the Treaty*). However, Israel, India, Pakistan, and the Democratic People's Republic of Korea (DPRK) are also Nuclear-Armed States, not recognised by NPT (Author note).

[2] Submarines equivalent to the future Brazilian nuclear-powered submarine are commonly referred to as "Nuclear Attack Submarines." For example, the American submarines of the *Virginia* class are designated attack submarines (SSN). The French submarines of the *Rubis* class receive the designation of *sous-marins nucléaires d'attaque*. British submarines of the *Astute* and *Trafalgar* classes follow the nomenclature and are also called attack submarines (SSN). This article will respect this designation and use the acronym SSN for future NNWS nuclear-powered submarines (Author note).

It is worth noting that there are no significant differences between the fuel cycles for nuclear material to be used in submarine propulsion reactors and for use in power reactors or even research reactors (Guimarães 2023). The reactors projected for the propulsion of an SSN can use Low Enriched Uranium (LEU), that is, uranium enriched to less than 20%. Even using a degree of enrichment close to this limit and, therefore, well above the degree of enrichment of power reactors (usually between 3 to 5%), SSN reactors could use uranium fuel in an enrichment grade much less than the weapons grade. This is not the case for USA and UK submarines, but it is the case for French submarines and also for the future Brazilian SSN.

In this sense, the case of the future Australian SSN introduced a new variable in this matter. This is because, so far, what is ostensibly known is that these submarines would use USA or UK reactors, and in both cases, the nuclear fuel is Highly Enriched Uranium (HEU) with uranium enriched to more than 90%. In addition, the initial transfer of *Virginia* class SSNs from the U.S. Navy to the Royal Australian Navy is scheduled. These possibilities raise legitimate questions about violations of Articles I and II of the NPT by the USA and the UK as NWS and Australia as NNWS. All these issues can have reflections and impacts on the Global nuclear order. Therefore, in this context, it is worth questioning:

– What are the perceptions of the main actors involved with the issue of nuclear energy use for the propulsion of submarines of NNWS?
– What are the impacts of these perceptions on the global nuclear order?

These research questions are inserted into the issue of nuclear submarine propulsion and its implications for the global nuclear order. Thus, the article may contribute to this debate by highlighting the emerging patterns of positions between states regarding the use of nuclear-powered submarines by NNWS and the possible impacts of these patterns on the global nuclear order.

In this context, it is worth reviewing the lexicon on the central concept of this article, that is, the global nuclear order. This expression has been used since the 1970s (see Mandelbaum 1977). However, since the appearance of this concept, it has been criticized for reasons ranging from lack of precision (Roberts 2007) to lack of academic inquiry and to be something that does not exist. Hornsburg (2015) presented a review of these critics of the concept of global nuclear order and pointed out:

> Another explanation for this lack of academic inquiry is the claim that a global nuclear order doesn't exist, or if it does, it is best defined in narrow power politics terms, where nuclear order is simply a set of relations between major powers. This definition, best developed by the realist school of international relations, bases its world view on an anarchic international system in which the search for security or power drives state behaviour, with little room for norms and institutions (Horsburgh 2015, p. 6).

Nevertheless, the concept of global nuclear order was reinvigorated at the turn of the 21st century when Professor William Walker of the University of St Andrews reignited this debate by arguing that:

> There has to be a nuclear order, but that order is much more than a structure of power and a set of deterrent relations, just as it is much more than a security regime rooted in international law. It is a complex edifice founded on instruments of both power and law which is held together by mutual interest and obligation. (Walker 2000, p. 722).

According to Walker, this singular order was designed and encouraged mainly – but not exclusively – by the USA and USSR in the 1960s and 1970s, and encompasses two linked and mutually supportive systems: a managed system of deterrence and a managed system of abstinence (Walker 2000). Walker summarizes these two systems as follows:

> - A managed system of deterrence, whereby a recognized set of states would continue using nuclear weapons to prevent war and maintain stability, but in a manner that was increasingly controlled and rule-bound; and
> - A managed system of abstinence, whereby other states would give up their sovereign rights to develop, hold and use such weapons in return for economic, security and other benefits. (Walker 2000, p. 706).

Through the deterrence system, the USA and the USSR – and later Russia – managed strategic stability through deterrence and nuclear arms control agreements. According to Walker, this system consists, among other things, of "a set of understandings and practices expressed in the 'deterrence theories' and enunciated in nuclear doctrine" of command and control over the nuclear arsenals, in hotlines to communications between the leaders of superpowers in unexpected crises and arms control treaties aiming to increase the strategic stability and to reduce the possibility of a nuclear war (Walker 2000, p. 706).

The system of abstinence involves extended deterrence, security assurances, and the formation of a nuclear weapons non-proliferation regime (Walker 2000). By the system of abstinence, the two superpowers of the Cold War built a nuclear weapons non-proliferation regime in which almost all the existing states agreed not to develop nuclear weapons. This regime is understood here in the Krasner sense as "a set of principles, norms, rules, and procedures" (Krasner 1983, p. 1), and the cornerstone of this Regime is the NPT, which establishes, in practice, two categories of States: the Nuclear Weapon States and the Non-Nuclear Weapon States.

In this context, another question arises: How could this inherently asymmetric and discriminatory order acquire international legitimacy and become almost universal? The answer is that in the abstinence

system, the order is regime-based, and its legitimacy rested "heavily upon the notion that the possession of nuclear weapons by the five acknowledged powers was a temporary trust and a trust that could be extended to no other nation-state" (Walker 2000, p. 708). In other words, the legitimacy of the system of abstinence and, consequently, the global nuclear order comes from the perception of the temporary asymmetry of this order. So, it can be inferred that any events that conduct a crystallization of this asymmetry or create a new asymmetry will compromise the system of abstinence and the global nuclear order.

A central point in Walker's construct is that the two systems exist and operate simultaneously. Nevertheless, Walker further improved his framework regarding the global nuclear order's concept, structure, and logic. In 'A Perpetual Menace' (2011), Walker improved his theoretical framework by pointing out that an international nuclear order operates in the context of two interconnected systems: "a managed system of military engagement with nuclear technology (deterrence plus)" and a "managed system of military/civil abstinence from, and civil engagement with, nuclear technology (non- proliferation plus)" (Walker, 2011, pp. 23-24).

The first system is the realm of the NWS and its alliances. The second system is the realm of the NNWS, and it is oriented towards the non-proliferation of nuclear weapons. According to Walker, three logics drive these two systems: armament, disarmament, and restraint. Both system and logic would be connected by a set of "norms, rules and institutions and its central notion of reciprocal obligations – expressed through and not only through the NPT" (Walker 2011, pp. 5-6 and 24).

The point to be noted is that since 2000, any theoretical framework review regarding the global nuclear order has passed through the construct of William Walker (2000, 2007, 2011). In this sense, Peter Hassner (2007) pointed out an NPT-based order, which emerged over three other potential models: disarmament, a world nuclear government, and a fully nuclear-armed world.

Another view is that the global nuclear order lies beyond the framework of deterrence and non-proliferation and was a tool for the hegemonic dominance of the USA. In a more restricted approach, some scholars focus on the nuclear weapons non-proliferation regime. They point out that the USA underwrote this regime through its hegemon position and stress how the erosion of American leadership may lead to its debacle (see Gibbons 2022).

Central to all these approaches and theoretical frameworks is that they point to the existence of a global nuclear order. However, the explanatory power of each of these theories varies. To sum up, the concept of international nuclear order, as defined by Walker (2011 p. 12), will be adopted for this article.

Concerning the central elements constituting the two systems and three logics of Walker's theoretical framework, this article focuses on the abstinence system, "the non-proliferation plus."

It should be noted here that the global nuclear order is under pressure and runs the risk of collapsing due to the new context of valorization of atomic weapons by the NWS and by the threats to use nuclear weapons made by a NWS against an NNWS – made by Russia against Ukraine.

Furthermore, the NWS and the NNWS have different perceptions regarding the global nuclear order. Even the NWS are not unitary regarding this order once they differ in terms of nuclear weapons capabilities (qualitatively and quantitatively) and strategic and military aims to be achieved within the framework of the international nuclear order.

These different perceptions reflect an unprecedented issue within this global nuclear order: the use of nuclear energy to propel NNWS submarines.

In this context and having Walker's construct as a theoretical basis, this article has as its central argument that the different perceptions regarding the use of nuclear energy for the propulsion of NNWS submarines can lead to a new asymmetry in the system of abstinence in which only a few NNWS would have the blessing for this type of application of nuclear energy. In this sense, a new normative inequality would be in the formation process, in which there would be the "have" and "have-not" users of nuclear energy for the propulsion of submarines.

To seek answers to the proposed research questions and to corroborate the assumption made, the article aims to identify and analyze the perceptions and positions of some selected countries regarding the issue of nuclear energy use for the propulsion of submarines of NNWS, highlighting the contradictions and tensions between the perceptions of these countries and their reflects on the global nuclear order. Thus, the following countries will be the object of the proposed analysis: USA, Russia, UK, France, People's Republic of China (PRC), Brazil, Australia, and RoK. These countries were selected due to their significant positions on the agenda of the global nuclear order or, in the case of NNWS, their active project for developing and (or) acquiring an SSN or the current interest in starting a program like that.

It is worth noting that the following delimitations were established for this article:

- The reasons for an NNWS to develop, acquire, and operate an SSN will not be discussed.
- The existence of a gap or loophole in the nuclear weapons non-proliferation regime resulting from using nuclear material for submarine propulsion by an NNWS will not be discussed. It was assumed, as a premise, that the provisions of Paragraph 14 of

the International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreements[3] (CSA) model[4] (INFCIRC/153), as well as Article 13 of the Additional Protocol model (INFCIRC/540), when it was the case, provide the necessary framework for special procedures or subsidiary arrangements that the NNWS will have to negotiate with the IAEA.

II. Perceptions and Positions Regarding the Issue of Nuclear Energy Use for the Propulsion of Submarines of NNWS

As stated in the Introduction, the following countries will be the object of the proposed analysis: USA, Russia, UK, France, PRC, Brazil, Australia, and RoK. This group of countries represents the NNWS with programs, capacity or declared interest in developing and operating an SSN, and the central countries with interests and capacity to influence the programs of these NNWS.

The following analytical axes were adopted to identify which are their respective perceptions and positions on the issue of the development and operation of an SSN by an NNWS, as well as the application of safeguards on this nuclear material:

- If it is understood that it is a right of all NNWS parties to the NPT;
- Opposition (or not) to the use of HEU; and
- Whether the possibility of applying adequate safeguards on this material is perceived as feasible.

As a matter of choice, the following sequence will be adopted for the analysis proposed here: Brazil, Rok, USA, UK, Australia, PRC, Russia, and France.

a) Brazil

Since the second half of the 1980s, the Brazilian State has opted for the peaceful use of nuclear energy without renouncing the domain of the uranium enrichment cycle, nor the development of nuclear research, as well as its use for energy generation and propulsion of naval assets. The Brazilian Federal Constitution, in Title III, Chapter II, Article 21, item XXIII, determines that the use of nuclear energy is exclusively for peaceful purposes: "All nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress" (Brazil 1988).

By the end of the 1990s, Brazil was already inserted into the system of abstinence and the restraint logic. In other words, Brazil was fully inserted in the nuclear weapons non-proliferation regime, becoming a signatory of the following treaties: the Treaty of Tlatelolco, the Quadripartite Agreement[5] (INFCIRC/435), the NPT, the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Antarctic Treaty, the Outer Space Treaty, and the Seabed Arms Control Treaty. Additionally, the country has been a member of the Nuclear Suppliers Group since April 1996.

Brazil's adherence to the system of abstinence is clear. However, successive Brazilian governments have pointed out that additional measures towards nuclear non-proliferation, on the part of the Brazilian State, should be adopted only in return for significant efforts of NWS nuclear disarmament. The signing of an Additional Protocol to the Brazilian CSA is inserted at this position of the Brazilian State, which has been presented by its diplomatic representatives, and expressed in successive editions of the Brazilian National Defense Strategy (see Brazil 2008, 2012, 2016, and 2020).

Having made these initial considerations about Brazil and the nuclear weapons non-proliferation regime, it is worth observing the content of the CSA signed by the Brazilian State. Through the Quadripartite Agreement (INFCIRC/435), Brazil and Argentina placed all nuclear material and all nuclear activities under the safeguards of the IAEA. The Agreement was based on INFCIRC/153. However, some differences exist between the two documents.

Article 13 of INFCIRC/435 provides that the State Party may decide to use nuclear power for submarine propulsion and shall inform the IAEA of this decision through the Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABACC). After this, the State Party shall negotiate with the IAEA an Arrangement to apply the Special Procedures to the nuclear material used for propulsion. This Arrangement shall contain the period or circumstances during which the Special Procedures shall be applied, and "the Agency shall be kept informed of the total quantity and composition of such material in that State Party and of any export of such material." Furthermore, it is worth

[3] Under Article III of the NPT, each Non-Nuclear Weapon State is required to conclude a safeguards agreement with the IAEA (Author note).

[4] These CSA follow the framework provided for the *INFCIRC/153/Corr – The Structure And Content Of Agreements Between The Agency And States Required In Connection With The Treaty On The Non-Proliferation of Nuclear Weapons* (see IAEA, *INFCIRC/153/Coor*).

[5] Even before becoming a State Party to the NPT, Brazil had already signed a CSA with the IAEA. This Agreement, known as the Quadripartite Agreement and referred to in the IAEA as INFCIRC/435, was signed in 1991 by Brazil, Argentina, the IAEA, and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), coming into force in 1994. It is worth noting that the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials was created on July 18, 1991, with the signing of the Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy. The principal mission of ABACC is to guarantee Argentina, Brazil, and the international community that all the existing nuclear materials and facilities in the two countries are being used for exclusively peaceful purposes (see ABACC, *About*).

noting that there is no deadline for the negotiation to be concluded with the IAEA, and the IAEA will not have the power to approve or know secret or classified knowledge referring to the nuclear material disciplined in the provisions (see IAEA, *INFCIRC/435*).

The point is that Article 13 of INFCIRC/435 does not present words such as "withdrawal" or "non-application" of safeguards but rather the application of safeguards through establishing an Arrangement involving Special Procedures of safeguards. Thus, under INFCIRC/435, there is no possibility that a State Party (Brazil or Argentina) unilaterally declares that the fissile material related to a nuclear-powered submarine will be excluded from the application of safeguards.

Regarding this issue of safeguards and its right to build an SSN, Brazil also prepared a working paper for discussion at the Tenth Review Conference of the NPT (see United Nations, 2020, *NPT/CONF.2020/ WP.71*). The working paper begins with a text informing that the Brazilian State submitted to the secretariat of the IAEA "its initial proposal for Special Procedures to be applied to the nuclear material used in naval nuclear propulsion, pursuant to Article 13 of the Quadripartite Agreement", which is the Brazilian CSA with the IAEA (see United Nations, 2020, *NPT/CONF.2020/WP.71*). The working paper reinforces that there is no ban or prohibition to the use o nuclear energy for naval propulsion.

The working paper states further that, regarding the Brazilian SSN, *its reactor will use low-enriched uranium*, and "the Brazilian Navy has a long-standing partnership with IAEA for the implementation of safeguards in its nuclear-related facilities, which are the only military facilities in the world subject to IAEA safeguards" (see United Nations, 2020, *NPT/CONF. 2020/WP.71*).

Concerning the indigenous nature of the program and the grade of enrichment of the nuclear fuel to the Brazilian SSN, the working paper clears that it will adopt the low-enriched uranium:

> 7. A long-standing objective pursued by Brazil for many decades, the development of nuclear propulsion is a fully indigenous and autonomous project. The submarine, its nuclear reactor and fuel are being designed, developed, built and assembled in Brazil. It will be a nuclear-powered, conventionally armed vessel. Its reactor will use low-enriched uranium (see United Nations, 2020, *NPT/CONF. 2020/WP.71*, highlighted by the author).

Another central point in the working paper is the Brazilian expectation regarding the scope of the Special Procedures to be applied to the nuclear material of the Brazilian nuclear-powered submarine.

> 20. The consultation process under way between Brazil and IAEA will ensure that such special procedures will be sufficient to enable the Agency to draw the relevant safeguards conclusion on the non-diversion of nuclear material, while protecting sensitive technological and operational parameters related to the nuclear-powered submarine (see United Nations, 2020, *NPT/CONF.2020/ WP. 71*).

The point to be highlighted is that the Brazilian State makes it clear, through this working paper, that it is part of its obligations to ensure that the Special Procedures under negotiation with the IAEA make it possible to guarantee that no nuclear material will be diverted.

In light of the CSA signed by the Brazilian State, as well as the positions presented by representatives of the Brazilian State, both at the IAEA and at the 10th NPT Review Conference, it can be inferred that:

- Brazil perceives using nuclear energy to propel submarines as a "right" of all NNWS.
- Regarding the use of HEU for the propulsion of the SSN of NNWS, Brazil has already informed the IAEA that it will use LEU as nuclear fuel for its future SSN. However, it did not relinquish the possibility of future use of HEU. Likewise, it does not position itself against its use by other NNWS, including the case of Australia with the SSN-AUKUS. It can, therefore, be inferred that Brazil does not negatively perceive the use of HEU for propulsion submarines of NNWS.
- The Brazilian State perceives the implementation of safeguards to guarantee that nuclear fuel will not be diverted to any prohibited activities as feasible.

Box 1 summarizes the respective perceptions and positions of Brazil on the issue of the development and operation of an SSN by an NNWS, as well as the application of safeguards on this nuclear material, considering the three analytical axes adopted:

- If it is understood that it is a right of all NNWSs parties to the NPT;
- Opposition (or not) to the use of HEU; and
- Whether the possibility of applying adequate safeguards on this material is perceived as feasible.

Box 1: Brazil: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
Brazil		Yes			No, even having declared that it will use LEU in its future SSN.			Yes	

Source: prepared by the author.

In summary, it can be inferred that the perceptions of the Brazilian State are clear and favorable to the total "right" of the NNWS to use nuclear energy to propel submarines, in line with their commitments assumed under the nuclear weapons non-proliferation regime. There is no evidence that Brazil will oppose itself to the use of HEU as nuclear fuel to SSN of NNWS. It is also possible to infer that there is a clear perception regarding the feasibility of implementing safeguards to guarantee that nuclear nuclear will not diverted from an SSN program to any prohibited activities.

b) Republic of Korea (RoK)

The RoK is an exemplary party of the system of abstinence. The country has a CSA in force with the IAEA since 1975 (INFCIRC/236). Besides this, Rok has an Additional Protocol to this CSA in force since 2004. The RoK operates 26 nuclear power reactors, which produce about 30% percent of its electricity (see WNA 2024).

Regarding the intentions and capabilities to start an SSN program, it is worth noting that RoK has built 21 submarines since the early 1990s. When President Moon Jae-in was campaigning for office in 2017, he declared, "It's time for us to acquire nuclear-powered submarines" (see The New York Times 2021).

According to news published in the Korean press, in September 2020, Kim Hyun-jong, the deputy national security advisor to President Moon Jae-in, visited the USA in August of that year to explain the South Korean government's plan to develop a nuclear-powered submarine and requested the supply of low enriched uranium to nuclear fuel. Kim, however, was met with opposition from Washington. Even though it was said that the USA provided an explanation in principle based on the non-proliferation principles, it is a forewarning of a difficult negotiation between South Korea and the USA regarding the plan (see The Dong-A Ilbo 2020).

In 2020, talking about the projects for the modernization of the RoK Navy, the Defense Ministry said it would build six more submarines, the first three powered by lithium-ion batteries. It did not clarify the power source for the other three 4,000-ton submarines. Nevertheless, Kim Hyun-jong, who was a deputy national security adviser for Mr Moon at the time, said that RoK's next generation of submarines would be nuclear-powered (see The New York Times 2021).

The issue of developing a program to build SSNs by RoK was evident during the campaign for the last presidential election in that country, held in 2022.

The candidate backed by then President Moon Jae-in for the 2022 presidential election, Lee Jae-Myung, said he would persuade the United States to win diplomatic and technology aid to launch nuclear-powered submarines amid renewed calls for building one in the military and parliament after North Korea test-fired a new missile from a submarine in October 2021.

Lee cited the deal Australia struck under a trilateral security partnership with the USA and UK in September to build its own nuclear-powered submarines. Lee stated at a press conference for Reuters on December 30, 2021, that: "It is absolutely necessary for us to have those subs. They are not weaponised in themselves, and technology transfer is under way to Australia," he said. "We can definitely convince the United States, and we have to" (see Reuters 2021).

However, Yoon Suk-yeol of the conservative opposition People Power Party was the winning candidate. He said he would prioritize improving RoK's satellite and airborne surveillance against North Korea rather than investing in a nuclear submarine. "I do not think we need it right now," Mr. Yoon said. (see The New York Times 2021).

Since then, the issue has lost some of its intensity. However, the debate remains active in RoK, and the calls for nuclear-powered submarines persist. Nevertheless, the main obstacle to a hypothetical SSN building program at RoK remains the issue of nuclear fuel. As James Campbell points out:

> The biggest obstacle to Seoul's acquisition of a nuclear submarine is nuclear fuel. South Korea does not have an indigenous uranium supply, so it imports most of its fabricated uranium fuel from the United States. South Korea renewed its civilian nuclear cooperative 123 agreement with the United States in 2015. The agreement prohibits the RoK from using U.S.-supplied uranium for any military purpose, but permits Seoul to enrich uranium up to 20 percent for civilian applications, if Washington gives its consent (James Campbell 2021, p. 10).

In light of the statements made by Rok's political leaders:

- It can be inferred that RoK is going through internal debates regarding developing an indigenous SSN. However, this program depends on the approval of the USA, which so far does not seem favorable to its execution. In any case, it can be inferred that the RoK perceives using nuclear energy to propel submarines as a "right". However, it is unclear whether the perception of this "right" extends to all other NNWS aspiring to develop an SSN.
- Based on the previous talks between the USA and RoK governments regarding the supply of LEU to nuclear fuel, it could be inferred that this will be the choice for the possible future South Korean SSN. However, as is the case of Brazil, the RoK official political leadership does not position itself against using HEU by other NNWS, including the case of Australia with the SSN-AUKUS. Therefore, it can be inferred that RoK does not oppose using HEU for propulsion submarines of NNWS.

– Given the remarkable credential with non-proliferation, it is reasonable to infer that Rok perceives the implementation of safeguards as feasible to guarantee that significant amounts of nuclear material are not diverted to prohibited activities.

Box 2 summarizes the respective perceptions and positions of the RoK on the issue of the development and operation of an SSN by an NNWS, as well as the application of safeguards on this nuclear material, considering the three analytical axes adopted.

Box 2: RoK: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
RoK	Yes in its own case. Ambiguity in other cases.			No, even presenting intentions that will use LEU in its own SSN.			Yes		

Source: prepared by the author.

In summary, perceptions of RoK are still divided internally regarding the development of SSN. However, there appear to be no internal debates about its "right" to use nuclear power to propel submarines, in line with its commitments under the nuclear weapons non-proliferation regime. However, there is ambiguity as to whether the RoK would advocate this for any NNWS aspiring to an SSN development or acquisition program. As in the Brazilian case, there is no evidence that RoK will oppose itself to the use of HEU as nuclear fuel to SSN of NNWS. It is also possible to infer that RoK political leadership see as something feasible the implementation of safeguards to guarantee that significant amounts of nuclear material are not diverted from an SSN program to any prohibited activities.

c) USA, UK, and Australia

In September 2021, Australia, the United Kingdom, and the United States announced the AUKUS strategic partnership. After 18 months of understanding between the three AUKUS participants, a pathway to provide Australia with SSN was presented.

According to the Joint Leaders Statement on AUKUS, made on 13 March 2023 by USA President Joe Biden, UK Prime Minister Rishi Sunak, and Australian Prime Minister Anthony Albanese at Naval Base Point Loma in California, the first major initiative of AUKUS was the "historic trilateral decision to support Australia acquiring conventionally-armed, nuclear-powered submarines (SSN)" (see United Kingdom. *Prime Minister's Office*).

The Statement outlines the phased approach envisaged for the SSN-AUKUS. Box 3 summarizes the three planned phases.

Box 3: SSN-AUKUS Phased Approach.

	Action Planned
Phase ONE From 2023	Visit of US Navy and Royal Navy Submarines to Australian Ports. Start of training for Australian submariners on the visiting submarines.
Phase ONE From 2027	Begin forward rotations of US and UK SSN to Australia to accelerate the Royal Australian Navy capabilities (naval personnel, workforce, infrastructure and regulatory system).
Phase TWO From 2030	Intention to sell three (and up to five, if needed) U.S. *Virginia* class SSN to Australia
Phase THREE Late 2030s	Design of an entirely new SSN class, the SSN-AUKUS. The Royal Navy (UK) will receive the first SSN-AUKUS in the late 2030s.
Phase THREE Late 2040s	The Royal Australian Navy will receive the first SSN-AUKUS (built in Australia) in the early 2040s.
In All Phases	Consultations with the International Atomic Energy Agency to develop a non-proliferation approach regarding building and operating SSN by NNWS.

Source: prepared by the author based on Joint Leaders Statement on AUKUS.

It is also worth noting that in the year before the above-mentioned *Joint Leaders Statement*, the three AUKUS States also prepared a joint working paper for discussion at the Tenth Review Conference of the NPT, in which they confirm their commitment to providing Australia with a nuclear-powered submarine capability and claim that:

> Partners are committed to doing this in a way that meets the highest possible nonproliferation standards including by providing complete, welded power units so that Australia need not conduct uranium enrichment nor fuel fabrication, and are engaging with the IAEA to find a suitable verification approach (see United Nations, 2020, *NPT/CONF.2020/WP.66*).

Regarding USA and UK obligations as NWS, the joint working paper states that:

> The United Kingdom and the United States recognize their obligations under the Nuclear Non-Proliferation Treaty (NPT) not to assist any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons, and will not provide Australia with any assistance in contravention of our obligations under the NPT (see United Nations, 2020, *NPT/CONF.2020/WP.66*).

The working paper also outlines Australia's position regarding the future operation of nuclear-powered submarines and its current commitments to the NPT:

> Naval nuclear propulsion is consistent with Australia's NPT and IAEA safeguards obligations and its obligations under the South Pacific Nuclear Free Zone Treaty. Like the NPT, the IAEA's model agreement for NPT verification, the Comprehensive Safeguards Agreement (CSA-INFCIRC/153), does not prohibit naval nuclear propulsion activities. INFCIRC/153 is the basis for most countries' CSAs, including Australia's, and in conjunction with the application of an Additional Protocol (AP), is the IAEA's current highest verification standard (see United Nations, 2020, *NPT/ CONF.2020/WP.66*).

Furthermore, the working paper clearly states that Australia will not develop a uranium enrichment program – or reprocessing facilities – nor will it manufacture the fuel elements used in its submarines: "[…] with regard to the nuclear fuel cycle, Australia has made it clear it will not pursue uranium enrichment or reprocessing in relation to this initiative" (see United Nations, 2020, NPT/CONF.2020/WP.66).

More recently, on the occasion of the Board of Governors of the IAEA Meeting held in June 2023, the representative of the USA Mission to International Organizations in Vienna – Ian Biggs – declared in his speech:

> […] I have the honour of speaking on behalf of Australia, the United Kingdom, and the United States.
>
> […] We will pursue a phased approach, which includes the acquisition by Australia of Virginia class submarines in the early 2030s, and the acquisition of a trilaterally developed submarine - the SSN-AUKUS - in the early 2040s.
>
> As we have previously advised, the nuclear fuel for Australia's submarines will be supplied to Australia in complete, welded nuclear power units that will not require refuelling during their lifetime. Australia will not enrich or reprocess nuclear material or fabricate fuel for its naval nuclear propulsion program. […] (see U.S. Mission to International Organizations in Vienna).

In light of the positions presented by the representatives of the USA and UK, it can be inferred that these two States currently have a convergent perception on the following points:

- They are not against the "right" of the NNWS to use nuclear energy to propel submarines. However, except in the case of Australia, they do not support this type of application of nuclear power by the NNWS. In other words, they are selective in understanding that this is a "right" of all NNWS. This selective support is present even to the most expressive military allies, such as the RoK, an indisputable USA military ally, but which does not have the support of Washington and London for the development of an SSN.
- Regarding the use of HEU for the propulsion of the SSN of NNWS, in the case of Australia, the USA, and the UK have found a way to support this use. However, this perception could be different in the case of other NNWS. For example, think of some hypothetical scenarios. In one of them, Russia or the PRC would support an SSN program by Iran, transferring technology and reactors that use HEU to these SSN. A second scenario would be one in which Russia or the PRC would supply reactors with HEU for the Brazilian SSN program. It is hard to imagine that the USA or the UK would support or remain indifferent to these scenarios.
- The same selectivity seems to apply to the possibility of applying adequate safeguards on this nuclear material. In the case of Australia, the USA and the UK argue that the application of safeguards would be effective. That is, it would minimize any possibility that nuclear material would be diverted to prohibited activities. However, it is hard to imagine Washington and London's security and assertiveness in other cases, such as those presented in the two hypothetical scenarios mentioned above.

Box 4 summarizes the respective perceptions and positions of the USA and the UK on the issue of the development and operation of an SSN by an NNWS, as well as the application of safeguards on this nuclear material, considering the three analytical axes adopted:

Box 4: US and UK: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
USA	Yes, but supports only the SSN-AUKUS			Ambiguity - In some cases maybe No			Ambiguity - In some cases Yes		
UK	Yes, but supports only the SSN-AUKUS			Ambiguity - In some cases maybe No			Ambiguity - In some cases Yes		

Source: prepared by the author.

In summary, the USA and UK positions on the analytical axes selected can be selective and ambiguous, depending on which NNWS will develop or operate an SSN. The perceptions of these two countries regarding using nuclear energy to propel submarines are based on strategic military objectives and not on regulatory and legal issues arising from the nuclear weapons non-proliferation regime.

Concerning Australia, it is clear that the country has an exemplary record of commitment to the system of abstinence and the nuclear weapons non-proliferation regime. The country has a CSA in force with the IAEA since 1974 (INFCIRC/217). Besides this, Australia has an Additional Protocol to this CSA in force since 1997. It is worth noting that Australia has no nuclear power reactors and only one research reactor. In other words, the country has no relevant nuclear infrastructure facilities. Thus, Australia's remarkable engagement with the system of abstinence is an excellent credential to assure that the fissile material of its future nuclear-powered submarines will be used precisely for submarine propulsion and nothing more. In this context, it can be inferred that:

- Australia perceives using nuclear energy to propel submarines as a "right" of an NNWS once it is not an activity banned or prohibited by the NPT.
- Concerning the use of HEU for the propulsion of SSN of the NNWS, Australia will, so far, use this degree of uranium enrichment in the nuclear fuel of its future SSN. However, whether Australia would support this option for other NNWS aspiring to develop an SSN using HEU in nuclear fuel is unclear.
- The Australian State sees the implementation of safeguards as feasible to ensure that no nuclear material will be diverted to prohibited activities.

Box 5 summarizes the perceptions and positions of Australia, considering the three analytical axes adopted.

Box 5: Australia: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
Australia		Yes		Yes in its own case. Ambiguity - In some cases maybe No				Yes	

Source: prepared by the author.

In summary, it can be inferred that the perceptions of the Australian State are favorable to the "right" of an NNWS to use nuclear energy to propel submarines, in line with their commitments under the nuclear weapons non-proliferation regime. Concerning the HEU, there is an ambiguity as to whether Australia would advocate using HEU for all NNWS aspiring to an SSN development or acquisition program.

Similar to the Brazilian and Korean cases, the Australian perception points to the applicability of adequate safeguards on this nuclear material.

d) PRC

Since disclosing the AUKUS strategic partnership, the PRC has expressed vehement opposition to the cooperation on nuclear-powered submarines between the three partners. The PRC's criticisms have become more forceful and were also presented in two working papers (WP 29 and WP 50) submitted for discussion at the Tenth Review Conference of the NPT held in New York in August 2022.

In the two working papers, the PRC expresses its opposition to the AUKUS and its concern about the compromise of the NPT and states that nuclear material to be transferred by the USA and the UK to Australia "cannot be effectively safeguarded under the current IAEA safeguards system" (see United Nations, 2020, *NPT/CONF.2020/WP.29* and *NPT/CONF.2020/WP.50*).

In this context, the PRC proposed, in the two working papers, that "a special committee open to all IAEA Member States be established to deliberate on the political, legal and technical issues related to the safeguards on naval nuclear propulsion reactors and

their associated nuclear material" of NNWS (see United Nations, 2020, NPT/CONF.2020/WP.29 and NPT/CONF. 2020/WP.50).

It is worth noting that in the same way as the PRC, Indonesia presented a working paper expressing concern on nuclear-powered submarines of NNWS and their possible impacts on the nuclear weapons non-proliferation regime. In an indirect reference to AUKUS, the working paper prepared by Indonesia states that:

> Indonesia views any cooperation involving the transfer of nuclear materials and technology for military purposes from nuclear-weapon States to any non-nuclear weapon States as increasing the associated risks and the catastrophic humanitarian and environmental consequences, as well as navigation risks posed by potential proliferation and conversion of nuclear material to nuclear weapons, particularly highly enriched uranium, in the operational status of nuclear naval propulsion (see United Nations, 2020, *NPT/CONF.2020/WP.67*).

After the Tenth Review Conference of the NPT, the Chinese delegation in Vienna raised a series of *Questions* and *Commentaries* which expressly argued that the SSN-AUKUS constitutes serious risks of nuclear proliferation in contravention of the object and purpose of the NPT since it violates Articles I and II of the Treaty. Box 6 presents some extracts from these *Questions* and *Commentaries* presented by the Chinese Delegation in Vienna.

Box 6: Some extracts from *Questions* and *Commentaries* presented by the Chinese Delegation in Vienna – Part I.

Commentary I on AUKUS: Original Sin in Transfer of Nuclear-weapon Material (2022-10-06).
[…]. No matter how the nuclear weapon material involved is handled, including being sealed in nuclear submarine power reactors, there is no denying the fact that nuclear weapon material will be transferred illegally from nuclear weapon states to a non-nuclear weapon state […] (see China. 2022a. *Commentary I*).
Commentary II: Naval Nuclear Propulsion or Nuclear Proliferation? (2022-10-06).
[…] The naval nuclear propulsion involved in the AUKUS nuclear submarine cooperation is in essence an act of proliferation in direct violation of Articles I and II of the NPT […] (see China. 2022b. *Commentary II*).
Commentary III on AUKUS: the US, UK and Australia Mislead Public Opinion by Playing with Concepts (2022-10-06).
[…] On the issue of AUKUS nuclear submarine cooperation, the three countries have done their utmost to conceal the true nature of this cooperation and to mislead public opinion by claiming nuclear material sealed in reactors cannot be used directly in nuclear weapons. This is incorrect because the nuclear submarine cooperation envisaged under AUKUS clearly involves the transfer of tons of weapons-grade nuclear material without safeguards from two NWSs to a NNWS […] (see China. 2022c. *Commentary III*).
Commentary IV: AUKUS Nuclear Submarine Cooperation is a Breach of Safeguards Obligations (2022-10-06)
[…] The trilateral nuclear submarine cooperation has never been an issue of safeguards arrangement, but rather a legitimacy issue of whether relevant cooperation involves the illegal transfer of weapons-grade nuclear material. […]. If we permit this now, then any NNWS can follow this precedent to acquire nuclear-weapon material and technology under the pretext of nuclear submarine cooperation. In such an event, the international nuclear non-proliferation system will exist only in name and make a mockery of the safeguards that the international community has worked so hard to put in place for making the planet a place of safety and stability […] (see China. 2022d. *Commentary IV*).
Commentary VII on AUKUS: Fire Cannot Be Wrapped up in Paper; Whoever Plays with Fire Will Perish by It. (2022-10-06).
[…] The AUKUS nuclear submarine cooperation adversely impacts upon global strategic stability, international security order, regional peace and stability as well as the global nuclear non-proliferation regime, and has many other broad and far-reaching negative repercussions. For this reason, it requires a political response from the international and regional security mechanisms […] (see China. 2022e. *Commentary VII*).

Source: prepared by the author.

On the other hand, one of these *Questions* and one of these *Commemtaries* states that, unlike the SSN-AUKUS, programs such as the Brazilian SSN are not perceived in unfavorable ways by the RPC. Box 7 presents some extracts from these *Questions* and *Commentaries* presented by the Chinese Delegation in Vienna.

Box 7: Some extracts from *Questions* and *Commentaries* presented by the Chinese Delegation in Vienna – Part II.

Question 4 to the IAEA Director General: Is It Possible to Sever the Subordinate Relationship between the NPT and a CSA (2022-10-07).
In China's view, Article 14 on exclusions of Australia's CSA does not apply to nuclear proliferation activities. No CSA or AP, as customary international law, can override or contradict, much less challenge the status of the NPT as parent law. […]. The trilateral cooperation involves the original sin, namely, the transfer of weapons-grade nuclear material from NWSs to a NNWS, which is an outright act of nuclear proliferation. It is fundamentally different from indigenous development of naval nuclear propulsion in countries such as Brazil. The tripartite cooperation not only goes beyond the existing CSAs, but also directly contradicts Articles I and II of the NPT. Therefore, it is misleading to claim that Article 14 of CSA applies to the trilateral cooperation […] (see China. 2022f. *Question 4 to the Director General*, highlighted by the author).
Commentary II: Naval Nuclear Propulsion or Nuclear Proliferation? (2022-10-06).
In stark contrast to the indigenous naval nuclear propulsion programs such as those of Brazil and other countries, the AUKUS partnership, is not a simple matter of indigenous development by a sovereign state of nuclear material used in its military vessels. On the contrary, the AUKUS partnership involves the blatant, direct and illegal transfer, for the first time in history, of tons and tons of nuclear weapon material from two NWS to a NNWS, making it an outright act of nuclear proliferation. These two cases should not be mixed up […] (see China. 2022b. *Commentary II*, highlighted by the author).

Source: prepared by the author.

It is worth noting that even considering the PRC arguments valid, a fundamental question would be in order: If the transfers of the *Virginia* class SSN were canceled and if the submarine to be built in Australia used LEU instead of HEU, would the position of the PRC be changed?

This question was addressed on June 6 and 22, 2023, by the author of this article to the H. E. Ambassador Li Song, The Permanent Representative and Ambassador Plenipotentiary and Extraordinary of the People's Republic of China to the United Nations and other International Organizations in Vienna, Permanent Representative to the United Nations Industrial Development Organization and Permanent Representative to the International Atomic Energy Agency.[6] To date, there has been no response.

Thus, in light of the positions presented by PRC representatives, both at the IAEA and at the last NPT Review Conference, it can be inferred that:

- The PRC is not against the "right" of the NNWS to use nuclear energy to propel submarines. The declarations of its representatives at the IAEA make it clear that the PRC does not see problems with indigenous programs such as the one being carried out in Brazil. However, in the case of Australia with the SSN-AUKUS, the PRC takes the opposite position. In other words, the PRC presents a selective and ambiguous position regarding the understanding that this is a "right of all NNWS."
- Concerning the use of HEU for the propulsion of an SSN of NNWS, the PRC takes a vehemently contrary position outside, at least in the case where this HEU is provided by the NWS, as is the case of the SSN-AUKUS.
- The same selectivity applies to adopting adequate safeguards on nuclear fuel. In the case of Australia, the PRC points to the impossibility of guaranteeing that significant amounts of nuclear material were not diverted to prohibited activities. However, in the case of Brazil, for example, the PRC does not present any argument against the possibility that the nuclear material used for submarine propulsion will be effectively safeguarded. Thus, once again, a position of selectivity and ambiguity on the part of the PRC is observed.

[6] The channel used was the formal email (chinamission_vien@mfa.gov.cn) available on the website of the Representation of the People's Republic of China to the United Nations and other International Organizations in Vienna (Author note).

Box 8 summarizes the perceptions and positions of the PRC, considering the three analytical axes adopted.

Box 8: PRC: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
PRC			Ambiguity - In the SSN-AUKUS, No			Ambiguity - In the SSN-AUKUS, Yes			Ambiguity - In the SSN-AUKUS, No

Source: prepared by the author.

In summary, the PRC has vehemently opposed Australia's acquisition and future development of an SSN in the context of the AUKUS strategic partnership. On the other hand, for NNWS, far from the PRC, this opposition does not seem to exist. However, it is difficult to imagine the PCR not contesting, in some way, within the nuclear weapons non-proliferation regime, a hypothetical SSN development program by other East or Southeast Asian countries such as, for example, RoK or Japan. In other words, the position of the PRC is selective and ambiguous in the three analytical axes selected. Its perception regarding the use of nuclear energy to propel NNWS submarines is, like that of the USA and the UK, based on strategic military objectives and not on regulatory and legal issues arising from the nuclear weapons non-proliferation regime.

e) Russia

Russia's perceptions are more complex to analyze than those of the USA, UK, and PRC, as Russian politicians and diplomatic representatives usually keep a low profile on this issue. Even in the case of SSN-AUKUS, the Russian position has been much less forceful than China's.

The concrete case of Russian support for a program to use nuclear energy to propel submarines is that of India. Russia twice leased an SSN to India, trained Indian Navy crews on its submarines, and may have transferred technology to India's submarine program (see Guimarães 2023). However, it is essential to highlight that India is not a Party to the NPT and, therefore, is not obliged to enter safeguard agreements with the IAEA. In this sense, it is worth noting that India has a Voluntary Safeguards Agreement (VSA) with the IAEA and has an Additional Protocol to this VSA. However, no military application of the use of nuclear energy is contemplated in these agreements with the IAEA.

As far as other SSN programs are concerned, the Russian position is muted. Particularly in the case of Brazil, it was reported in various media that the Brazilian government sought Russian support for its program to develop an SSN. According to the BRICS Information Portal:

> On March 16, Brazilian newspaper Folha de Sao Paulo reported that, during his "controversial" February trip to Moscow, Brazilian President Jair Bolsonaro asked Russian President Vladimir Putin to support the country's nuclear submarine project. […] Bolsonaro did it because Washington had offered to provide such technical help but failed to do so. According to an unnamed military source, during the entire "cooperation" process, the American authorities always asked its counterparts in Brasilia for more information and kept stalling for time and faffing about and so already in 2018 (before Bolsonaro's inauguration) it had become clear to the Brazilian Foreign Service - […] - that these negotiations would not go anywhere. […] Thus, initial talks with Moscow started. […] Flávio Rocha, a Brazilian admiral who is also Secretary of Strategic Affairs for the Presidency, traveled to Moscow at the end of 2021, with a mission to discuss some points pertaining to Russian-Brazilian cooperation in this matter. […] (see BRICS Information Portal 2022).

However, no statements of Russian support were made regarding the Brazilian program. Nevertheless, keeping this possibility open may be retribution by the Russian government for the Brazilian government's shameful lack of criticism of the Russian war of aggression against Ukraine.

Regarding the AUKUS, Russian President Vladimir Putin has been critical of this program since its public announcement. According to the *Xinhuanet* news agency, Putin declared in October 2021 that the AUKUS strategic partnership harms regional stability: "In my opinion, it is good to be friends with each other, but bad to be friends against someone. This impairs the stability that we all talk about, and we all care about" (see Xinhuanet 2021).

As for other statements by representatives of the Russian government, the international media has published a few articles by political leaders in Russia. In March 2023, the *Reuters* agency published an article in which Kremlin spokesman Dmitry Peskov said on AUKUS: "There are a lot of questions here related to the problem of non-proliferation. Here, we need special transparency, and we need to answer the questions that arise." However, according to Reuters, "Peskov did not elaborate on the nature of Russia's concerns" (see Reuters 2023).

In April 2023, *The Diplomat* published an article in which Russia's Deputy Foreign Minister Sergei Ryabkov argued that AUKUS is "a great challenge to the international nuclear non-proliferation regime" (see The Diplomat 2023). However, all these declarations need further details from the Russian representatives.

In summary, considering the three analytical axes adopted, it is not possible, at the moment, to infer with any precision Russia's perceptions regarding the use of nuclear energy for the propulsion of NNWS submarines. Except that there is no declared opposition to this type of use of nuclear energy by an NNWS.

Thus, Box 9 summarizes the gaps when seeking to highlight Russia's perceptions regarding the use of nuclear energy for the propulsion of NNWS submarines, considering the three analytical axes adopted.

Box 9: Russia: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
Russia	Ambiguity - no declared opposition				Not inferred			Not inferred	

Source: prepared by the author.

Even though the Russian perception concerning the three analytical axes considered is not inferred, it is clear, in light of the statements made by Russian political leaders, that, as in the case of the USA, UK, and PRC, its perception regarding the use of nuclear energy to propel NNWSs submarines is, based on strategic military objectives and not on regulatory and legal issues arising from the nuclear weapons non-proliferation regime.

f) France

The case of France is similar to that of Russia in the sense that Paris maintains a discreet position regarding the development and operation of SSN by NNWS.

The concrete case of France's open involvement in NNWS's SSN program is that of Brazil. Since 2009, France has been the strategic partner of the leading defense project of the Brazilian State. In that year, a cooperation agreement was signed with the Naval Group for the construction of four conventional submarines (Scorpène®), a new shipyard and operational naval base, and support from the Naval Group in the design and construction of a new class of nuclear-powered submarines, the Brazilian Conventionally-Armed and Nuclear-Powered Submarine.

According to the official Naval Group website:

> With an unprecedented Transfer of Technology program at hand, Naval Group undertook a very ambitious program 12 years ago: to support the growth of the Brazilian submarine force. First phase: to help Brazil build and operate four conventional Scorpène® submarines (SBR), in a new shipyard and operational naval base built in Itaguai for this purpose. Prosub (*Programa Submarino*) also plans for a second phase; support from Naval Group in the design and construction of a new class of nuclear-powered submarines, [...], the second phase aims to develop and build the first Brazilian nuclear-powered submarine […] and the related infrastructures. […] A phase for which, in accordance with France's commitment and in compliance with international legislature, Naval Group provides technical assistance to the Brazilian Navy, excluding for the nuclear reactor (see Naval Group).

Regarding official positions on the development of programs like the Brazilian program, France's stance is usually discrete, even in the case of the SSN-AUKUS, which implied the breach of the then-existing contract between France and Australia for constructing submarines that would replace the current *Collins* class SSK of the Royal Australian Navy.

Thus, Box 10 summarizes the gaps when seeking to highlight France's perceptions regarding the use of nuclear energy for the propulsion of NNWS submarines, considering the three analytical axes adopted in this research.

Box 10: France: positions and perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
France	Ambiguity - no declared opposition				Not inferred			Not inferred	

Source: prepared by the author.

Thus, as in the case of Russia, what can be inferred from the perception of France concerning the use of nuclear energy for the propulsion of NNWS submarines, considering the three analytical axes adopted, is that there is no declared opposition to this type of use of nuclear energy by an NNWS.

Furthermore, based on unclear criteria, France can support the development of projects for this type of weapons system in some NNWS.

III. Possible Impacts on the Global Nuclear Order

As mentioned in the Introduction of this article, the legitimacy of the system of abstinence and, consequently, of the global nuclear order comes from the perception of the temporary asymmetry of this order. So, any events that conduct a crystallization of this asymmetry or create a new asymmetry will compromise the legitimacy of the system of abstinence and the global nuclear order.

The positions and perceptions resulting from the research carried out and which point to the possible creation of a new asymmetry in the abstinence system were those that:

- Do not recognize as a clear and undisputed right of the NNWS to use nuclear energy for SSN propulsion in line with their respective CSA (and additional Protocols, when applicable) in force.
- Do not recognize the possibility of using HEU for naval propulsion by NNWS.
- Do not recognize as possible the application of adequate safeguards to guarantee that there will be no diversion of nuclear fuel for illicit activities.
- Present inconsistencies of such an order that point to positions based on strategic military objectives and not on regulatory and legal issues arising from the nuclear weapons non-proliferation regime.

Box 11 summarizes these actors' perceptions regarding nuclear energy use for the propulsion of submarines of NNWS, considering three analytical axes adopted.

Box 11: Summary of Positions and Perceptions.

	Right of all NNWS Parties to the NPT			Opposition to the use of HEU			Possibility of applying adequate safeguards		
	Yes	No	Ambiguity	Yes	No	Ambiguity	Yes	No	Ambiguity
Brazil	Yes			No, even having declared that it will use LEU in its future SSN.			Yes		
RoK	Yes in its own case. Ambiguity in other cases.			No, even presenting intentions that will use LEU in its own SSN.			Yes		
USA	Yes, but supports only the SSN-AUKUS			Ambiguity - In some cases maybe No			Ambiguity - In some cases Yes		
UK	Yes, but supports only the SSN-AUKUS			Ambiguity - In some cases maybe No			Ambiguity - In some cases Yes		
Australia	Yes			Yes in its own case. Ambiguity - In some cases maybe No			Yes		
PRC	Ambiguity - In the SSN-AUKUS, No			Ambiguity - In the SSN-AUKUS, Yes			Ambiguity - In the SSN-AUKUS, No		
Russia	Ambiguity - no declared opposition			Not inferred			Not inferred		
France	Ambiguity - no declared opposition			Not inferred			Not inferred		

Source: prepared by the author.

Based on Box 11, it was possible to infer that:

- Only the positions of Brazil and Australia recognize, a priori, as a clear and undisputed right of the NNWS the use of nuclear energy for the propulsion of SSN, in line with their respective CSA (and additional Protocols, when this is the case) in force.
- Only the positions of Brazil and RoK point to the non-questioning and recognition of the possibility of using HEU for naval propulsion by NNWS, even though these two countries expressed the use of LEU in their respective programs.
- The positions of Brazil, RoK, and Australia point, a priori, to a recognition that it is possible to apply adequate safeguards to ensure that there will be no diversion of nuclear fuel for illicit activities in SSN programs.

In this sense, the positions and perceptions of Brazil, the RoK, and Australia do not compromise the abstinence system and, consequently, the global nuclear order concerning the use of nuclear energy for the propulsion of submarines. However, RoK is still internally debating the decision to develop a program to build an SSN. Furthermore, this program depends on the approval of the USA, which, so far, does not seem favorable to its execution. In any case, it can be inferred that the RoK perceives using nuclear energy to propel submarines as a "right". However, it is unclear whether this perception of a "right" extends to all other NNWS aspiring to develop an SSN. In this sense, the RoK perceptions and positions do not compromise nor enhance the system of abstinence and the global nuclear order. On the other hand, the perceptions and

positions of the Brazilian and Australian States are clear and favorable to the "right" of the NNWS to use nuclear energy to propel submarines, in line with their commitments under the nuclear weapons non-proliferation regime.

The positions and perceptions of the USA, UK, and PRC present evident contradictions. Furthermore, they placed the three NWS in two antagonistic camps regarding the SSN-AUKUS.

The perception and position of the USA and the UK are selective and ambiguous in the three analytical axes, and no distinctions between these two positions were identified. The USA and UK agree that in the case of the SSN-AUKUS, it is a right of the NNWS to use nuclear energy for naval propulsion, there being no problems with the use of HEU, it being possible to apply safeguards on this nuclear material. In other cases, including that of military allies like the RoK, this perception becomes ambiguous, to put it mildly. Thus, the USA and UK positions and perceptions point to the creation of yet another asymmetry in the system of abstinence and, consequently, compromise the current structure of the global nuclear order.

The PRC has strongly opposed Australia's acquisition and future development of an SSN in the context of the AUKUS strategic partnership. On the other hand, this opposition does not seem to exist for the NNWS far from the PRC. However, it is difficult to imagine the PCR not contesting, in some form, within the nuclear weapons non-proliferation regime, a hypothetical SSN development program by other East or Southeast Asian countries such as, for example, the RoK or Japan. In summary, the position of the PRC is selective and ambiguous, like that of the USA and the UK. Thus, the PRC's positions and perceptions point to the creation of yet another asymmetry in the system of abstinence and, consequently, compromise the current structure of the global nuclear order.

Concerning Russia, considering the three analytical axes adopted, it was not possible to infer with precision Moscow's perceptions regarding the use of nuclear energy for the propulsion of submarines of NNWS. Except that there is no ostensibly declared opposition to this use of nuclear energy by an NNWS.

France's stance is one of discretion on this issue, even in the case of the SSN-AUKUS, which resulted in the breach of the then-existing contract between France and Australia to construct submarines that would replace the current *Collins* class of the Royal Australian Navy. Thus, as in the case of Russia, what can be inferred from France's perception regarding the use of nuclear energy for the propulsion of submarines of NNWS, considering the three analytical axes adopted, is that there is no declared opposition to this type of use of nuclear energy. In some cases, France perceives the right to use nuclear energy to propel submarines of an NNWS and may even support the development of projects for this type of weapons system in some NNWS.

In short, the tendency to create a new asymmetry in the global nuclear order exists and is ostensibly present in the perceptions and positions of at least three central actors in the global nuclear order: the USA, the UK, and the PRC. Thus, creating an asymmetry of States that "can" and "cannot" use nuclear energy to propel naval assets, notably submarines, appears as a tangible possibility. The consequences of this new asymmetry will be reflected in the legitimacy of the abstinence system, which is already eroded by other factors, such as the current context of valorization of atomic weapons by the NWS and by the threats to use nuclear weapons made by Russia against Ukraine.

IV. Final Considerations

Concerning the NNWS, it was shown that there are also ambiguities in the perceptions and positions of these States. Brazil and Australia's perceptions support the global nuclear order since their stances defend the right of any NNWS to use nuclear energy following their respective CSA (or additional protocol when applicable) in force. However, there needs to be more clarity as to whether RoK would advocate this for any NNWS aspiring to an SSN development or acquisition program.

The perceptions of three NWS – USA, UK, and PRC – are based on strategic military objectives and the nuclear weapons non-proliferation regime is used by these States in line with these objectives. In this context, these NWS use dual standards in their positions regarding the development and operation of SSN by an NNWS. These dual standards can create a pattern where some countries are coerced or prevented from developing or acquiring this weapon system while others can pursue them with the support of one or more NWS. Such dual standards undermine the global nuclear order, mainly by damaging the system of abstinence.

Concerning Russia and France, it was not possible to infer that their perceptions and positions compress or sustain the system of abstinence.

Finally, it is worth, once again, highlighting the existence of ambiguities, contradictions, and tensions between the perceptions and positions of the NWS. The current tensions between the NWS regarding using nuclear energy for the propulsion of submarines of NNWS are centered on the SSN-AUKUS. This issue puts the USA and UK on a collision path with the PRC.

There are also unclear positions and perceptions among the NWS, as evidenced in the cases of France and Russia. However, considering what has been evidenced regarding the USA, UK, and PRC, it can be inferred that the perception and position of the NWS regarding the use of nuclear energy for the propulsion of submarines are based on strategic military objectives

and not on issues normative and legal provisions resulting from the nuclear weapons non-proliferation regime.

Concerning the NNWS, it was shown that there are ambiguities in the perceptions and positions of these States. Among the NNWS analyzed, Brazil is the one that presents a more precise position, as well as a more transparent and less controversial SSN development program.

In summary, the main impact on the global nuclear order resulting from the use of nuclear energy for the propulsion of NNWS submarines is the ongoing creation of a new asymmetry in the system of abstinence in which only a few NNWS would have the blessing for this type of application of nuclear energy. Some NWS are adopting political and diplomatic ways to prevent what is perceived as a possible proliferation from the NNWS. On the other hand, some NWS view the development of nuclear energy complacently according to who is the NNWS that is developing the kind of use of nuclear power.

In this context, the argument stated in this article appears to be valid since the different perceptions regarding the use of nuclear energy for the propulsion of NNWS submarines can lead to a new normative inequality, in which there would be the "have" and "have-not" users of nuclear energy for the propulsion of submarines.

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Jammu and Kashmir Post Article 370: A Comparative Overview of the Shifts

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Abstract- This study explores how Jammu and Kashmir's terrain has changed since Article 370 was repealed and provides a thorough comparative analysis of the socio-political and economic aspects of the area. The goal of the study is to offer important insights into the ramifications of this historic event by examining the complex developments that have occurred since the constitutional amendment. A thorough analysis of the pre- and post-Article 370 abrogation periods is included in the comparative overview. Using a multidisciplinary approach, the study incorporates information from a range of sources, including government documents and scholarly literature. By utilizing a variety of research approaches, the study aims to provide a comprehensive picture of the changes in Jammu and Kashmir.

Keywords: *dispute, conflict, article 370, shutdown, development, change.*

GJHSS-F Classification: *LCC: DS485.K27*

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Jammu and Kashmir Post Article 370: A Comparative Overview of the Shifts

Shahid Qadir [α], Dr. Manoj Kumar [σ] & Amir Ahmad Dar [ρ]

Abstract- This study explores how Jammu and Kashmir's terrain has changed since Article 370 was repealed and provides a thorough comparative analysis of the socio-political and economic aspects of the area. The goal of the study is to offer important insights into the ramifications of this historic event by examining the complex developments that have occurred since the constitutional amendment. A thorough analysis of the pre- and post-Article 370 abrogation periods is included in the comparative overview. Using a multidisciplinary approach, the study incorporates information from a range of sources, including government documents and scholarly literature. By utilizing a variety of research approaches, the study aims to provide a comprehensive picture of the changes in Jammu and Kashmir.

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I. Introduction

The Jammu and Kashmir is location in the northern part of India. The union territory Jammu and Kashmir becomes disputes between the two nations India and Pakistan from the partition of the two nations in year 1947. Jammu and Kashmir, formerly one of the largest princely states of India, us bounded to the east by UT of ladakh, to the south by Indian states of Himachal Pradesh and Punjab, to the southwest by Pakistan, and to the southwest by PAK (Pakistan administrated Kashmir). The total area of J&K 101,387 square km. population is 12,367,013.

The long-running and intricate dispute over Kashmir involves both India and Pakistan competing for control of the area and India's struggles with the Jammu and Kashmiri population living there. With its complex effects on millions of people, this protracted struggle has political, social, economic, and cultural facets (Bhat, 2019).

The union territory Jammu and Kashmir was a state of India till 05th august 2019. On 05th august 2019 Jammu and Kashmir was declared union territory of India. The article 370 and 35A in Jammu and Kashmir was abolished by Supreme Court of India, which was giving special status to the people of Jammu and Kashmir. Soon after the abrogation of article 370 in J&K, people start protesting against the decision by the court which results curfews and strikes in the UT. All the communication and internet services were snapped in whole Jammu and Kashmir. All the business and educational institution remains closed for long months, which impacts badly on the economy of Jammu and Kashmir (Nadaf, 2023; Imtiyaz, Sumira, 2021).

A provision known as Article 370 of the Indian Constitution gave the state of Jammu and Kashmir temporary special autonomy. It gave Jammu and Kashmir a special standing inside the Indian Union when it was added to the Constitution in 1949. The princely state of Jammu and Kashmir's 1947 admission to India is the foundation of Article 370's history. The princely state of Jammu and Kashmir became a part of India when its ruler, Maharaja Hari Singh, signed the Instrument of Accession in October 1947. This made it possible for the Indian government to support Pakistani-backed tribal forces in their attempt to repel an invasion. The state would maintain autonomy in all areas with the exception of defense, foreign policy, finance, and communications, according to the Instrument of Accession (Schofield, 2021; Noorani, 2014).

In 1949, the Indian Constitution was amended to include Article 370, which established unique protections for Jammu and Kashmir. The state was given a great deal of autonomy and permission to adopt its own constitution. Jammu and Kashmir's unique identity was cemented in 1957 when it ratified its own constitution. The state held exclusive rights over land and property, its own flag, and sovereignty over a number of issues. It could also designate who was a permanent resident. Several presidential decrees have been issued over the years to include Jammu and Kashmir in the ambit of Indian law. Nonetheless, the state maintained its unique status and its citizens were subject to different laws (Schofield, 2021; Noorani, 2014).

Despite the special status, there were amendments and modifications to Article 370 over the years. The autonomy enjoyed by Jammu and Kashmir was gradually eroded, and the state's relationship with the Indian Union became less distinct. On August 5, 2019, the Indian government, led by Prime Minister Narendra Modi, abrogated Article 370 and revoked the special status of Jammu and Kashmir.

Jammu and Kashmir is famous for its tourist destinations. It has both summer and winter tourist destinations. Tourism is great source of income for the J&K. People from all over the world come in Jammu and

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Kashmir for snow skiing and other winter sports. Unfortunately the curfews and strikes become barriers for tourists to visit and the number of tourists arriving was very low. The total number of tourists arriving in Kashmir for tourism declines very low soon after the abrogation of article 370, but after the two of years the numbers of tourists increases at very high rate which was highest from last seventy years. This accelerates the income for Jammu and Kashmir.

This comparative study examines the significant changes that have occurred in Jammu and Kashmir since Article 370 of the Indian Constitution was revoked. The revocation of the state's special status has resulted in significant changes to the political landscape, socioeconomic structures, and governance. The study explores the newly amended legislation, the division of the area into union territories, and the effects of these changes on the quality of life for the local population. The goal of the study is to shed light on the complex consequences of this significant constitutional amendment, including both the intended and unintended effects, by comparing the circumstances before to and following the amendment.

II. Before Abrogation of Article 370

The UT of Jammu and Kashmir is famous for various tourist destinations. Jammu and Kashmir is located in northern India, covered with huge mountains which make it more beautiful and attractive. People from all India and other parts of world comes here as a tourists to enjoy its natural beauty and winter sports.

Other from its huge mountains and scenic beauty. Jammu and Kashmir witnesses hundreds of shutdowns from 2012 to 2019. One of the major causes of increasing these shutdowns and strikes were increases the militancy in Jammu and Kashmir. Burhan wani one of the famous militant known as poster of boy of Kashmir uses internet as a medium to boost militancy in Jammu and Kashmir. He was using social media as a medium to upload images and videos of militants with weapons roaming in Kashmir valley. When India army neutralized these militants in encounters people start protesting against army in order to make escape for militants which results huge conflicts in Jammu and Kashmir (Qadir and Dar, 2021). These encounters and strikes become common for many years till government neutralized maximum number of militants in Kashmir. The government of Jammu and Kashmir imposes curfews then soon after the encounter starts in order to stop people for protesting against the armed forces. This type of situation remains same till 2019. During this period of time from 2012 to 2019, stone pelting, encounters, curfews, internet shutdowns was common in Kashmir valley. The internet had suspended for hundreds of times and hundreds of young youth had lost their life by these stone pelting and encounters.

The various things in Jammu and Kashmir before abrogation of article 370 are as:

1. Curfews and lockdown
2. Internet suspension
3. Stone pelting and encounters
4. Economical losses

Curfews and lockdown

Jammu and Kashmir witnesses the highest number curfews and lockdowns in India. The main behind these lockdowns and curfews was political unsuitability. The local political parties on Jammu and Kashmir were issuing calendars of curfews to be imposed in J&K. On the other side Hurriyat party (banned now) was issuing calendars for lockdowns for the people in order make protests against the government. From the above both sides' common people are facing various problems in their day to day life. In these curfews and lockdowns the market, transportation, businesses, educational institutions remains closed which directly impacts on the social and economical situations of common people living in Jammu and Kashmir.

Internet suspension

Internet is one of the most and efficient technology of modern technologies. Today internet is used in every field. Internet inter-connects millions of people around the world. Today suspension of internet means disconnects from world. In the present where internet is essential for everything like business, education, communication, entertainment, research and development, on the other side Jammu and Kashmir witnesses hundreds of internet shutdowns from past 10 years. A total of 427 internet shutdowns are recorded in Jammu and Kashmir from year 2012 to 2023, in which the longest internet shutdown was for 552 days imposed on 5th August 2019 soon after the abrogation of article 370 there. During this long internet suspension period only 2G had restored after 06 months in some areas and complete restoration was after 552 days. This was one the longest internet shutdown in the world (Mukhopadhyay et al., 2020).

In the year 2012 a total of 03 (2012-03) internet shutdowns recorded in Jammu and Kashmir, 2013-05, 2014-05, 2015-05, 2016-10, 2017-32, 2018-65, 2019-55, 2020-116, 2021-79, 2022-43, 2023-09 recorded. Shutdown of internet impacts badly on business and education. During the COVID19 when all educational institution and business remains closed for long months, internet was the only source for students to learn and various companies starts work from home (WFH. But unfortunate internet was suspended in Jammu and Kashmir in that crucial time, which impacts badly on the education of the students and make thousands jobless because of these internet shutdowns by the government (Qadir and Jaggarwal, 2021).

Stone pelting and encounters

Jammu and Kashmir was always in news in India from past thirty years regarding encounters. These encounters broke out between militants and armed force for the cause to separate J&K from India. From year 2012 to 2019 these encounters becomes on regular basics due to rise of militancy in Jammu and Kashmir. When the news regarding these encounters comes on social media, people from various areas trying to come near encounter site and start stone pelting on army in order to brake encounter make escape for militants. These encounters and stone pelting takes the lives of hundreds of young people and injured thousands of people during this tough period in Kashmir. Hundreds of youth are still behinds bars because of these incidents happened in Jammu and Kashmir. In year 2016 when poster boy burhan wani along with two associates was killed on 08th July which lead stone pelting and strikes continues for 6 month and takes the lives of 90 youth in Kashmir region. This was one of the worst times in modern era which ruined life and carrier of thousands of young youth in Jammu and Kashmir.

Economical losses

Jammu and Kashmir is less developing UT of India. The main reason of this least development is local political instability and less industrial development. The main economy of J&K in dependent on tourism and agriculture. Due to continue strikes and lockdown from past ten years tourists are facing difficulties and feeling insecurity in visiting there which impacts badly on the economy of Jammu and Kashmir. On the other side continue strikes and curfews makes problems for farmers to send their products like apples, saffron, almonds etc to outside the UT. As per the different estimates used in the study, the total duration of shutdowns in India between 2012 and 2017 remains 16,315 hours (680 days), which has generated an economic loss of approximately $3.04 million (Rydzak, 2019).

III. After Abrogation of Article 370

It's essential to consider that the changes have sparked diverse reactions and opinions, both within India and on the international stage. While some see these developments as positive steps towards integration and development, others express concerns about the impact on regional autonomy, identity, and human rights. The situation continues to evolve, and the long-term effects of these changes in Jammu and Kashmir remain a subject of ongoing debate and scrutiny.

The various changes in Jammu and Kashmir after abrogation of article 370 are as:

1. Economical development
2. No more curfews and lockdowns
3. No internet shutdowns
4. Infrastructure development
5. Boosts tourism in Jammu and Kashmir

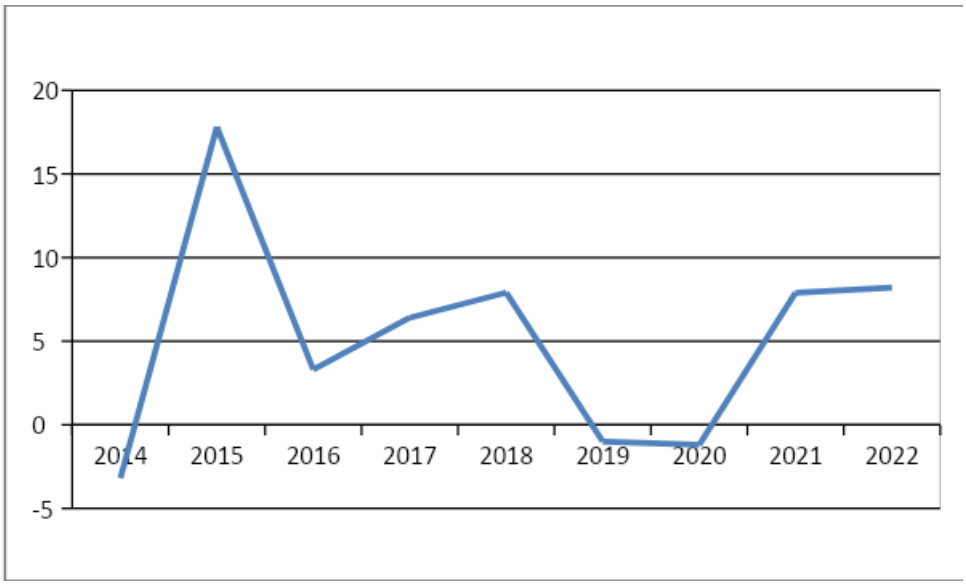
Economical development

Economic development is the process by which low income; simple national economics are changed into sophisticated, industrialized economics. While the term is occasionally used interchangeably with economic growth, its primary meaning is a shift in a nation's economy that encompasses both qualitative and quantitative advancements.

After the abrogation of article 370 in Jammu and Kashmir, various changes are witnesses and Economic development is one of most important for the people. Arun Kumar Mehta, the chief secretary for J&K, states that the government's top priority is the UT's industrial development, which is predicted to provide a large amount of jobs over the next five years. "Jammu and Kashmir's goal is to achieve long-term industrial development and economic growth, and the government is steadfast in its commitment to helping business owners who wish to invest in the region and further\r its development,"

Prominent companies from all over the nation a nd overseas are eager to invest in the UT as J&K is alrea dy establishing itself as the most dynamic, rapidly expan ding, and alluring investment destination.The Burj Khalif a builders ceremoniously broke ground on the first forei gn direct investment in the UT, a shopping center and m ultipurpose tower on the outskirts of Srinagar, earlier this year in March, marking their official arrival into J&K.

It is imperative to acknowledge that the process of economic growth in Jammu and Kashmir is intricate and continuous. The area's social dynamics, political climate, and historical background all add to the difficulty of putting development plans into action and keeping them going. Analysis and criticism of these policies' efficacy as well as their implications for Jammu and Kashmir's long-term economic growth are certain to continue. Examine Figure 1, indicating a rise in the growth rate post the abrogation of Article 370, as per the Jammu and Kashmir Economic Survey of 2023. Initially, there is a decline in the growth rate coinciding with the commencement of Article 370's abrogation, a period marked by heightened tension and numerous lockdowns in the Jammu and Kashmir region.



Source: J&K Economic survey 2023. Created with datawrapper

Figure 1: Economic Growth

No more curfews and lockdowns

Jammu and Kashmir was very known by its situations like curfews and lockdowns from last decades. Jammu and Kashmir is the only region in India with highest number of lockdowns. These lockdowns and curfews ends with the abrogation of article 370 in year 2019. Before the abrogation of article 370 almost every month the market remains closed multiple times, which impacts common people living in the region. Almost 0% lockdowns are recorded from past two years in the Jammu and Kashmir. Abrogation of article 370 brings a major change in the situations of Kashmir.

No internet shutdowns

Internet is one of most modern and efficient technology in the present world. Internet is associated with every aspect of human life. Weather its business, education, R&D or entertainment, internet shows it presence. The suspension of internet services was common in Jammu and Kashmir. Every year internet was snapped for hundreds times in there. Jammu and Kashmir witnesses the longest internet shutdown in the world which remains for 552 days. From last two years a major change has been seen in Jammu and Kashmir related to internet services. No major internet shutdown has been recorded there from past couple of years as shown in Table 1. In some incidents still minor internet shutdowns are recorded there but not effects so much as earlier was recorded.

Table 1: Total number of internet shutdowns in Jammu and Kashmir and India.

Year	Total number of internet shutdowns in India	Total number of internet shutdowns in Jammu and Kashmir
2012	03	03
2013	05	05
2014	06	05
2015	14	05
2016	31	10
2017	79	32
2018	134	65
2019	106	55
2020	129	116
2021	100	79
2022	40	27
Total	**647**	**402**

Source: https://www.statista.com/

Infrastructure development

In order to encourage economic growth and draw in international investment for productivity and sustainable production, infrastructure development is seen as essential (Osei-Hwedie et al., 2017). The fundamental components of social and economic

transformation that support the economy's production operations are referred to as infrastructure. Among these components are the following:

1. Highways
2. Railways
3. The system of education, which comprises colleges and schools
4. The hospital and health system
5. Sanitary system with provisions for clean drinking water
6. The financial system, which consists of banks, insurers, and other businesses

After the abrogation of article 370 in Jammu and Kashmir, a major change is witnessed regarding infrastructure. The smart city project in Srinagar is one of major changes in heart of Srinagar lal chowk, it attracts tourists and foreign investors. Education system and health are one of major components of a country. From past couples of years these segments have witness's major changes towards growth and development. Apart from these departments are other are leading towards growth development which is beneficial for the welfare of people living in Jammu and Kashmir.

IV. Boosts Tourism in Jammu and Kashmir

Jammu and Kashmir is famous for its tourist destinations. Tourism is contributing a major portion in the economy of UT. After the abrogation of article 370 a major change has been visible in the tourism of Jammu and Kashmir. In the past the tourism department has been seen decline due to continue strikes and lockdowns in the UT. Soon after the normalcy post article 370 tourism in Jammu and Kashmir have shown good signs of improvement as shown below:

Table 2: Tourist visit during 2010 to 2014 are given below:

Former State of Jammu & Kashmir	
Year	DTVs
2010	9973189
2011	13071531
2012	12427122
2013	10891424
2014	9438544

Source: State Tourism Department

Table 3: Tourist visit during 2019 to 2022 are given below:

Union Territory of Jammu & Kashmir	
Year	DTVs
2019	16163330
2020	2519524
2021	11314920
2022	18617740

It has been shown in Table 2 and Table 3, that the domestic tourists visit (DTV) in Jammu and Kashmir after abrogation of article 370 increases.

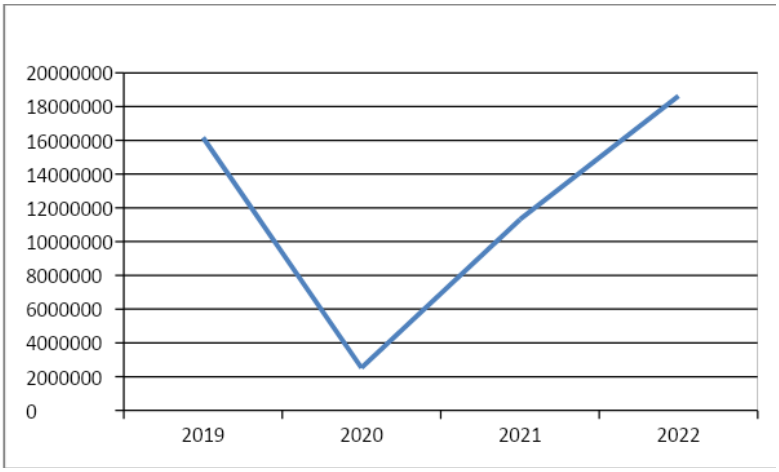


Figure 2: Domestic tourist visit

Until August 5, 2019, Jammu and Kashmir was a state in India, but it was then reorganized into a union territory. The Supreme Court of India abolished Article 370 and 35A in Jammu and Kashmir, which granted special status to its residents. Following the court's decision, there were widespread protests, leading to curfews and strikes in the newly formed union territory. However, after a year, the situation in the valley improved, and tourism resumed, as depicted in Figure 2.

V. Conclusion

Jammu and Kashmir was a northern state of India till 04th August 2019 and later declared UT (union territory). The state witnesses' huge number of lockdowns, curfews, internet shutdown and encounters due to local political instability till it was state of India. On 04th august 2019 the government of India has declared Jammu and Kashmir as UT and article 370 has been abolished which was giving special status to the people of Jammu and Kashmir. Soon after the abrogation of article 370 a complete curfew was imposed by the government there in order to stop people from protesting against the major decision by the government. All the educational institution, transportation, industries, market remains closed for couples of months. The communication and internet services are also suspended there.

After the long period of time the government controls the situation there and uplifts curfews and lockdowns. After the period of two years a major changes are witnesses in Jammu and Kashmir. No curfews or lockdowns are witnesses there, no major internet suspensions recorded. The major boost are witnessed in tourism of Jammu and Kashmir, large number of tourists from India and other parts of worlds are coming there to enjoy the natural beauty of Jammu and Kashmir, which boost the economy of J&K. the government are taking are the possible steps towards growth and development which is beneficial for the common people. Jammu and Kashmir witnesses normal situation after the decades.

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Plagiarism is not acceptable in Global Journals submissions at all.

Plagiarized content will not be considered for publication. We reserve the right to inform authors' institutions about plagiarism detected either before or after publication. If plagiarism is identified, we will follow COPE guidelines:

Authors are solely responsible for all the plagiarism that is found. The author must not fabricate, falsify or plagiarize existing research data. The following, if copied, will be considered plagiarism:

- Words (language)
- Ideas
- Findings
- Writings
- Diagrams
- Graphs
- Illustrations
- Lectures

- Printed material
- Graphic representations
- Computer programs
- Electronic material
- Any other original work

Authorship Policies

Global Journals follows the definition of authorship set up by the Open Association of Research Society, USA. According to its guidelines, authorship criteria must be based on:

1. Substantial contributions to the conception and acquisition of data, analysis, and interpretation of findings.
2. Drafting the paper and revising it critically regarding important academic content.
3. Final approval of the version of the paper to be published.

Changes in Authorship

The corresponding author should mention the name and complete details of all co-authors during submission and in manuscript. We support addition, rearrangement, manipulation, and deletions in authors list till the early view publication of the journal. We expect that corresponding author will notify all co-authors of submission. We follow COPE guidelines for changes in authorship.

Copyright

During submission of the manuscript, the author is confirming an exclusive license agreement with Global Journals which gives Global Journals the authority to reproduce, reuse, and republish authors' research. We also believe in flexible copyright terms where copyright may remain with authors/employers/institutions as well. Contact your editor after acceptance to choose your copyright policy. You may follow this form for copyright transfers.

Appealing Decisions

Unless specified in the notification, the Editorial Board's decision on publication of the paper is final and cannot be appealed before making the major change in the manuscript.

Acknowledgments

Contributors to the research other than authors credited should be mentioned in Acknowledgments. The source of funding for the research can be included. Suppliers of resources may be mentioned along with their addresses.

Declaration of funding sources

Global Journals is in partnership with various universities, laboratories, and other institutions worldwide in the research domain. Authors are requested to disclose their source of funding during every stage of their research, such as making analysis, performing laboratory operations, computing data, and using institutional resources, from writing an article to its submission. This will also help authors to get reimbursements by requesting an open access publication letter from Global Journals and submitting to the respective funding source.

Preparing your Manuscript

Authors can submit papers and articles in an acceptable file format: MS Word (doc, docx), LaTeX (.tex, .zip or .rar including all of your files), Adobe PDF (.pdf), rich text format (.rtf), simple text document (.txt), Open Document Text (.odt), and Apple Pages (.pages). Our professional layout editors will format the entire paper according to our official guidelines. This is one of the highlights of publishing with Global Journals—authors should not be concerned about the formatting of their paper. Global Journals accepts articles and manuscripts in every major language, be it Spanish, Chinese, Japanese, Portuguese, Russian, French, German, Dutch, Italian, Greek, or any other national language, but the title, subtitle, and abstract should be in English. This will facilitate indexing and the pre-peer review process.

The following is the official style and template developed for publication of a research paper. Authors are not required to follow this style during the submission of the paper. It is just for reference purposes.

Manuscript Style Instruction (Optional)

- Microsoft Word Document Setting Instructions.
- Font type of all text should be Swis721 Lt BT.
- Page size: 8.27" x 11'", left margin: 0.65, right margin: 0.65, bottom margin: 0.75.
- Paper title should be in one column of font size 24.
- Author name in font size of 11 in one column.
- Abstract: font size 9 with the word "Abstract" in bold italics.
- Main text: font size 10 with two justified columns.
- Two columns with equal column width of 3.38 and spacing of 0.2.
- First character must be three lines drop-capped.
- The paragraph before spacing of 1 pt and after of 0 pt.
- Line spacing of 1 pt.
- Large images must be in one column.
- The names of first main headings (Heading 1) must be in Roman font, capital letters, and font size of 10.
- The names of second main headings (Heading 2) must not include numbers and must be in italics with a font size of 10.

Structure and Format of Manuscript

The recommended size of an original research paper is under 15,000 words and review papers under 7,000 words. Research articles should be less than 10,000 words. Research papers are usually longer than review papers. Review papers are reports of significant research (typically less than 7,000 words, including tables, figures, and references)

A research paper must include:

a) A title which should be relevant to the theme of the paper.
b) A summary, known as an abstract (less than 150 words), containing the major results and conclusions.
c) Up to 10 keywords that precisely identify the paper's subject, purpose, and focus.
d) An introduction, giving fundamental background objectives.
e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition, sources of information must be given, and numerical methods must be specified by reference.
f) Results which should be presented concisely by well-designed tables and figures.
g) Suitable statistical data should also be given.
h) All data must have been gathered with attention to numerical detail in the planning stage.

Design has been recognized to be essential to experiments for a considerable time, and the editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned unrefereed.

i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and suggestions to improve brevity.

Format Structure

It is necessary that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

All manuscripts submitted to Global Journals should include:

Title

The title page must carry an informative title that reflects the content, a running title (less than 45 characters together with spaces), names of the authors and co-authors, and the place(s) where the work was carried out.

Author details

The full postal address of any related author(s) must be specified.

Abstract

The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

Keywords

A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

Preparation of Eletronic Figures for Publication

Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution at final image size ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs): >350 dpi; figures containing both halftone and line images: >650 dpi.

Color charges: Authors are advised to pay the full cost for the reproduction of their color artwork. Hence, please note that if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a Color Work Agreement form before your paper can be published. Also, you can email your editor to remove the color fee after acceptance of the paper.

Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.

6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

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Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.

Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

Figures and tables:

If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

Discussion:

The discussion is expected to be the trickiest segment to write. A lot of papers submitted to the journal are discarded based on problems with the discussion. There is no rule for how long an argument should be.

Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implications of the study. The purpose here is to offer an understanding of your results and support all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of results should be fully described.

Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact, you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved the prospect, and let it drop at that. Make a decision as to whether each premise is supported or discarded or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."

Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work.

- You may propose future guidelines, such as how an experiment might be personalized to accomplish a new idea.
- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

When you refer to information, differentiate data generated by your own studies from other available information. Present work done by specific persons (including you) in past tense.

Describe generally acknowledged facts and main beliefs in present tense.

The Administration Rules

Administration Rules to Be Strictly Followed before Submitting Your Research Paper to Global Journals Inc.

Please read the following rules and regulations carefully before submitting your research paper to Global Journals Inc. to avoid rejection.

Segment draft and final research paper: You have to strictly follow the template of a research paper, failing which your paper may get rejected. You are expected to write each part of the paper wholly on your own. The peer reviewers need to identify your own perspective of the concepts in your own terms. Please do not extract straight from any other source, and do not rephrase someone else's analysis. Do not allow anyone else to proofread your manuscript.

Written material: You may discuss this with your guides and key sources. Do not copy anyone else's paper, even if this is only imitation, otherwise it will be rejected on the grounds of plagiarism, which is illegal. Various methods to avoid plagiarism are strictly applied by us to every paper, and, if found guilty, you may be blacklisted, which could affect your career adversely. To guard yourself and others from possible illegal use, please do not permit anyone to use or even read your paper and file.

Criterion for Grading a Research Paper (Compilation) by Global Journals

Please note that following table is only a Grading of "Paper Compilation" and not on "Performed/Stated Research" whose grading solely depends on Individual Assigned Peer Reviewer and Editorial Board Member. These can be available only on request and after decision of Paper. This report will be the property of Global Journals

Topics	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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